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No. 87271-6

IN THE SUPREME COURT OF
THE STATE OF WASHINGTON

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FISHER BROADCASTING-SEATTLE TV L.L.C. dba KOMO 4,

Appellant,

vs.

CITY OF SEATTLE, a local agency and the SEATTLE POLICE
DEPARTMENT, a local agency,

Respondents.

**ANSWER TO AMICUS CURIAE OF THE WASHINGTON
ASSOCIATION OF CRIMINAL DEFENSE LAWYERS**

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I. INTRODUCTION

The amicus curiae brief of Washington Association of Criminal Defense Attorneys (“WACDL”) introduces a new issue not previously raised or argued in this case. It maintains that the provision of RCW 9.73.090(1)(c) that no sound or video recording made by a dash-cam shall be “*made* available to the public by a law enforcement agency” does not apply when the agency gives a recording to a public records requester. WACDL argues that providing a video to a public records requester is not making it available to the public. According to WACDL, a recording is only made available to the public when the requester, in turn, posts the video on the internet or gives it to the media who post it on the internet. The Court should disregard this argument because it was raised only by amicus WACDL and because it is without merit. WACDL’s other arguments are also without merit.

II. ARGUMENT

A. WACDL Improperly Advances a Legal Theory Not Raised by the Parties

WACDL proposes a novel interpretation of the meaning of “made available to the public” in RCW 9.73.090(1)(c) not raised by the parties below or on appeal. It argues that making a record “available to the public” does not mean providing a record in response to a public

records request, and therefore the prohibition on making dash-cam videos “available to the public” does not prohibit providing such videos in response to public records requests. Br. of amicus WACDL at 10-19. The Court should disregard the argument because it was raised only by amicus WACDL. *Citizens for Responsible Wildlife Management v. State*, 149 Wn.2d 622, 631, 71 P.3d 644 (2003); *Sundquist Homes, Inc. v. Snohomish County Public Utility Dist. No. 1*, 140 Wn.2d 403, 413, 997 P.2d 915 (2000). “The case must be made by the parties and its course and issues involved cannot be changed or added to by friends of the court.” *City of Lakewood v. Koenig*, 160 Wn. App. 883, 887, n. 2, 250 P.3d 113 (2011). This Court should decline to address issues raised only by amicus. *Id.* Even if WACDL’s interpretation of the phrase “made available to the public” were properly before this Court, however, it would fail on the merits.

B. Making a Record Available to a PRA Requester Is Making It Available to the Public

WACDL maintains that an agency does not make a record available to the public when it produces that record in response to a PRA request because the agency has only made the record available to the PRA requester. This defies not only logic but also the express language and intent of the PRA and cases interpreting it. The *Public Records Act*

repeatedly refers to providing records to the *public*. Agencies must “make available for *public* inspection and copying” all non-exempt records, RCW 42.56.070(1). Note that in addition to using the same term “public” as is used in RCW 9.73.090(1)(c), RCW 42.56.070(1)’s use of the phrase “make available” mirrors RCW 9.73.090(1)(c)’s use of the phrase “made available.”

Courts have repeatedly interpreted the PRA as giving “the *public* access to the public records of state and local agencies.” *City of Federal Way v. Koenig*, 167 Wn.2d 341, 343, 217 P.3d 1172 (2009) (emphasis added); *see Sanders v. State*, 169 Wn.2d 827, 846, 240 P.3d 120 (2010) (the Court has “consistently enforced the PRA’s disclosure requirements to advance its policy of *public* access”); *see also Livingston v. Cedeno*, 164 Wn.2d 46, 56, 186 P.3d 1055 (2008) (the PRA “is intended to provide broad access to *public* records”).

WACDL bases the purported distinction between public records requesters and “the public” in RCW 9.73.090(1)(c) on the implausible theory that the Legislature intended to incorporate Rules of Professional Conduct (“RPC”) 3.6 and 3.8, which govern prejudicial extrajudicial statements by lawyers or law enforcement officers regarding litigation. It is bewildering why the Legislature would incorporate Court Rules that are beyond the scope of its responsibility into legislation. It is even more

baffling why they would do so without comment. WACDL admits there is no legislative history to support this novel theory but maintains it is nevertheless, “logical.” Br. of amicus WACDL at 12-13.

RPC 3.6 and 3.8 restrict attorneys, and by extension other persons assisting or associated with the prosecutor in a criminal case, from making extrajudicial statements that may prejudice a case. RPC 3.8(f). WACDL does not explain how an extrajudicial statement is similar to an in-car video except to concede that legislative purpose behind RCW 9.73.090(1)(c) “was to protect the impartiality of the jury pool.” Br. of amicus WACDL at 14.

On the one hand, WACDL concedes that *pretrial* disclosure of in-car videos could detrimentally affect *criminal* litigation, while on the other hand, WACDL simply fails to address why RCW 9.73.090(1)(c) limits access to those videos “*until final disposition of any criminal or civil litigation* which arises from the event or events which were recorded.” WACDL’s interpretation, thus, renders much of the statutory language superfluous. *State v. Lilyblad*, 163 Wn.2d 1, 11, 177 P.3d 686 (2008) (The court may not interpret any part of a statute as meaningless or superfluous).

WACDL’s strained argument also fails because of the language of RPC 3.6(a) itself. That rule states that a lawyer “shall not make an

extrajudicial statement that the lawyer knows or reasonably should know *will be disseminated by means of public communication* and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.” WACDL preposterously argues that the Legislature was considering the principles regarding proscribed extrajudicial statements and intended RCW 9.73.090(1)(c) to be read so that providing an in-car video to the media is not making it available to the public. RPC 3.6(a) prohibits extrajudicial statement that a lawyer knows or reasonably should know will be disseminated by means of public communication. Any record an agency provides could be disseminated by means of public communication. As courts have observed in the context of the Freedom of Information Act (“FOIA”), it is impossible to prevent subsequent dissemination once a record has been disclosed. *Boyd v. Criminal Div. of U.S. Dep’t of Justice*, 475 F.3d 381, 390 (D.C. Cir. 2007) (“a disclosure made to any FOIA requester is effectively a disclosure to the world at large” quoting *Students Against Genocide v. Dep’t of State*, 257 F.3d 828, 836 (D.C. Cir. 2001)); *see also, Swan v. S.E.C.* 96 F.3d 498, 500 (D.C. Cir. 1996) (“Agencies, and hence courts, must evaluate the risk of disclosing records to some particular FOIA requester not simply in terms

of what the requester might do with the information, but also in terms of what anyone else might do with it.”¹ Agencies must disseminate non-exempt records to all members of the public who request them. RCW 42.56.080; *see also, DeLong v. Parmelee*, 157 Wn. App. 119, 149, 236 P.3d 936 (2010) (holding that “prison inmates, including those blatantly abusing the PRA, have standing to request records under the PRA”).

The intent of RPC 3.6(a) is to prevent the dissemination of extrajudicial statements by means of public communication. Thus, even accepting WACDL’s argument that the Legislature silently associated the Privacy Act and the RPC’s, the Legislature’s intent in temporarily prohibiting disclosure of in-car video must also have been to prevent their dissemination by means of public communication. As a result, making a recording available to the public includes providing it to a public records requester.

WACDL acknowledges that it is easy to edit dash-cam videos and that such editing can distort the truth and cause the video to be unfair and inaccurate record of the event. Br. of amicus WACDL at 14. Unlike members of the public, agencies are bound by ethical restrictions such as

¹ Because the PRA closely parallels FOIA, Washington courts look to the judicial interpretation of FOIA in construing the PRA. *Hearst v. Hoppe*, 90 Wn.2d 123, 128, 580 P.2d 246 (1978).

the RPC's WACDL cites. Moreover, agencies must meet constitutional and evidentiary standards to prevent harming criminal defendants. WACDL nevertheless claims that it is "logical" to conclude that the Legislature intended to preclude an *agency* from putting a video online to avoid prejudicing litigation, yet required that agency to provide the video under the PRA to a requester who could prejudice that same litigation with impunity.

The *logical* conclusion is that the Legislature intended to delay disclosure of in-car videos because of the same concerns that we read about daily. Public concerns about the pervasiveness of the internet, surveillance and other cameras, and concerns about their impact on privacy and personal exposure have only grown since the Legislature enacted RCW 9.73.090(1)(c), making its prohibition even more significant today. Like Appellant KOMO, WACDL limits its analysis exclusively to what the dash-cam recordings might show regarding police behavior and ignore all concerns about the impact videos have on the interests of the citizens recorded. Police behavior is only part of what is captured. The videos record individuals who may never be prosecuted or even charged, victims, witnesses, and mere passersby. The Legislature recognized the interests of these individuals in adopting RCW 9.73.090(1)(c). Br. of Resp. at 38–39, Br. of amicus WASPC at 12–13.

C. RCW 9.73.090(1)(c) Does Not Conflict with the PRA

WACDL agrees that the City is right that RCW 9.73.090(1)(c) does not conflict with the PRA but for the wrong reason. Br. of amicus WACDL at 15. The City's position is that there is no conflict with the PRA because RCW 9.73.090(1)(c) is an "other statute which exempts or prohibits disclosure of specific information or records." RCW 42.56.070(1). While it agrees that there is no conflict, WACDL argues this is because the two statutes serve two entirely different purposes, and RCW 9.73.090(1)(c) does not apply to responses to public disclosure requests. WACDL claims to find a parallel for this proposition in *Livingston v. Cedeno*, 164 Wn.2d 46, 186 P.3d 1055 (2008) (holding that a statute allowing prison officials to confiscate materials that threatened prison security from inmates' mail did not conflict with the PRA because the prison officials had authority to confiscate materials under RCW 72.09.530, and the two statutes served entirely different purposes).

WACDL's argument fails for two reasons, first it is based on the theory that the Legislature intended only to prevent agencies from taking "the initiative to disseminate these videos to the media" rather than to limit providing videos to PRA requesters. Br. of amicus

WACDL at 15-19. As the City explains above, RCW 9.73.090(1)(c)'s prohibition on making dash-cam video's "available to the public" explicitly, albeit temporarily, prohibits agencies from providing videos to PRA requesters. Second, unlike the corrections statute in *Livingston*, RCW 9.73.090(1)(c) and the PRA serve similar purposes. The language of the two statutes here is a mirror image. RCW 42.56.070(1) states that agencies "shall *make available for public inspection and copying*" all non-exempt records, and RCW 9.73.090(1)(c) states that no dash-cam recording shall be "*made available to the public* by a law enforcement agency" until all civil and criminal litigation has been disposed of. WACDL completely ignores this mirror image usage of language. WACDL is correct that there is no conflict between the two statutes but incorrect that they have distinctly different purposes. They both deal with making records "available" to the "public." Thus, RCW 9.73.090(1)(c) is an "other statute" that, like many other statutes, can be read in harmony with the PRA. *See Ameriquest Mortg. v. Washington State Office of Atty. Gen.*, 170 Wn.2d 418, 439-440, 241 P.3d 1245 (2010).

D. WACDL Misconstrues *Lewis v. State Dep't of Licensing*

WACDL misconstrues *Lewis v. State Dep't of Licensing*, 157 Wn.2d 446, 139 P.3d 1078 (2006) to assert that dash-cam videos cannot be exempt because they are not "private." Br. of amicus WACDL at 8-9.

Lewis did *not* broadly hold, as WACDL, media amici, and KOMO all contend in varying degrees, that RCW 9.73.090(1)(c) does not implicate privacy interests. Nor does *Lewis* contain any analysis that supports that proposition. As the amicus brief of the Washington Association of Sheriffs and Police Chiefs explains in thorough, nuanced analysis, even though *Lewis* held that the conversations at issue were not “private conversations,” the Legislature intended to protect “privacy interests” (a distinct and broader concept than “private conversations”) in RCW 9.73.090(1)(a)’s extended delay on public disclosure of all dash-cam videos. *See* Br. of amicus WASPC at 9-16.

In any event, WACDL sets up a false dichotomy. It asserts that a dash-cam cannot be exempt if it is not private. This misinterprets the language of RCW 9.73.090(1)(c) and this Court’s interpretation of it. Whether disclosure of a record violates a person’s right to privacy is not, nor has it ever been, the litmus test for determining whether a record is exempt. Many exemptions in the PRA protect information based on concerns having nothing to do with privacy. Examples include: test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination (RCW 42.56.250(1)); real estate appraisals, made for or by any agency (RCW 42.56.260); records relating to archeological sites (RCW 42.56.300); records provided to the

utilities and transportation commission (RCW 42.56.330); agricultural and livestock records (RCW 42.56.380). Similarly, other statutes protect information based on concerns unrelated to privacy. These include privileged communications (RCW 5.60.060); grand jury testimony and evidence (RCW 10.27.090); and trade secrets under the Uniform Trade Secrets Act (RCW 19.108.010(4)).

Many of these provisions exempt information that is not particularly personal or sensitive when viewed in isolation, but becomes sensitive because of ways in which the information can be misused. The Legislature adopted these measures because they are necessary to protect a myriad of interests even though they may not be protected by constitutional or tort law. In fact, if particular information met the constitutional or tort standard of violating privacy, the exemption or other statute would not be needed.

WACDL's argument that the videos cannot be exempt because they record events that take place in "public" is equally flawed. Br. of amicus WACDL at 3. WACDL misreads and omits a significant portion of this Court's analysis of RCW 9.73.090(1)(c) in *Lewis v. State Dep't of Licensing*, 157 Wn.2d 446, 139 P.3d 1078 (2006). *Lewis* may say that a conversation between a police officer and a driver during a routine traffic stop is not private, but WACDL stops there and omits the most significant

portion of the *Lewis* analysis. *Lewis* also says that the police must strictly comply with RCW 9.73.090(1)(c) even though the conversation recorded is not private. *Id.* at 465.

The Legislature has recognized that a person has at least a qualified privacy interest in videos and images taken for law enforcement purposes even though they may have been recorded in an ostensibly public place. Br. of amicus WASPC at 9-16. RCW 9.73.090(1)(c) is just one of several statutes restricting or *prohibiting* dissemination of law-enforcement videos and images. The Legislature authorizes photo toll systems but prohibits *any* public dissemination of the images. RCW 46.63.160(6)(c); RCW 47.56.795(2)(b); RCW 47.46.105(2)(b). Likewise, the statute authorizing traffic safety cameras at stoplights, railroad crossings, and school speed zones does not permit *any* public dissemination of the images. RCW 46.63.170(1)(g). These statutes are based on the nature of the recording rather than the place where it is recorded.

E. WACDL's Interpretation of RCW 9.73.090(1)(c) Ignores Canons of Statutory Construction

WACDL argues that the City's construction of RCW 9.73.090(1)(c) violates several canons of statutory construction. Br. of amicus WACDL at 7-9. However, WACDL's construction violates the

controlling canons of statutory construction. First, WACDL fails to apply the plain meaning of “arises” when it argues that the prohibition on providing access to dash-cam videos “until final disposition of any criminal or civil litigation which *arises* from the event or events which were recorded” requires actual litigation to have arisen before an agency can withhold a video. Br. of amicus WACDL at 6. The word “arises” is not defined in the statute. A court faced with a question of statutory interpretation looks to the plain meaning of the word, and a nontechnical statutory term may be given its dictionary meaning. *State v. Fjermestad*, 114 Wn.2d 828, 835, 791 P.2d 897 (1990). (interpreting another section of RCW Chapter 9.73). Black’s Law Dictionary defines “arise” as “1. To originate; to stem (from) (e.g., a federal claim arising under the U.S. Constitution). 2. To result (from) (e.g., litigation routinely arises from such accidents).” Black’s Law Dictionary, 96 (Abridged 9th ed. 2005). This definition supports the City’s interpretation.

It also comports with how courts have interpreted similar language in insurance policies: “The phrase ‘arising out of’ is unambiguous and has a broader meaning than ‘caused by’ or ‘resulted from.’ The phrase is understood to mean ‘originating from’, ‘having its origin in,’ ‘growing out of,’ or ‘flowing from.’” *Allstate Ins. Co. v. Brown*, 121 Wn.App. 879, 887, 91 P.3d 897 (2004) (citations omitted). Thus, the Privacy Act’s

unambiguous language means litigation “having its origin in” or “flowing from” the events recorded. Litigation can have its origin in an event that occurs long before the actual litigation is filed. In the context of a statute of limitations, when a cause of action arises and when it accrues so that the statutory period is tolled are often not the same. For example, a products liability cause of action “arose” when the plaintiff fell from the scaffolding, but did not “accrue” for purposes of applying the statute of limitations until the plaintiff discovered or should have discovered all the elements of the cause of action. *Martin v. Patent Scaffolding*, 37 Wn. App. 37, 42- 43,678 P.2d 368, *review denied* 101 Wn.2d 1021 (1984).

Second, WACDL’s interpretation violates the rule that statutes should be construed to effect their purpose and unlikely, absurd or strained consequences should be avoided. *Fjermestad*, 114 Wn.2d at 835. WACDL’s nonsensical interpretation would require agencies to release recordings when clearly anticipated criminal or civil litigation has not yet been filed. The absurd result would be a race to request recordings before litigation, including criminal charges, could be filed.

WACDL also misconstrues language in *Progressive Animal Welfare Society v. University of Washington*, 125 Wn.2d 243, 262, 884 P.2d 592 (1994) (“PAWS II”) to contend that the “other statute” provision of RCW 42.56.070(1) applies only when the particular statute exempts or

prohibits the disclosure of specific public records “in their entirety.” It claims that the temporary nature of the prohibition on public disclosure of in-car videos in RCW 9.73.090(1)(c) “flunks the ‘entirety requirement’ of *PAWS II*.” Br. of amicus WACDL at 8. There is no “entirety” requirement for “other statutes” under RCW 42.56.070(1). *PAWS II* does not require that a statute prohibit the disclosure of specific public records in their “entirety” in order to qualify as an “other statute” under the PRA. The “entirety” discussion in *PAWS II* related to the question of how to determine, as to a given “other statute” outside the PRA, whether records are subject to a redaction requirement or are to be withheld in their entirety. *PAWS II*, at 262. Not surprisingly, the Court concluded that the question is determined by the wording of the other statute. *Id.* Thus, the “entirety” discussion in *PAWS II* does not in any way create an “entirety” standard for a statute to qualify as an other statute.

In fact, *PAWS II* specifically holds that the “other statute” exemption incorporates other statutes that exempt or prohibit disclosure of *specific information* or records into the PRA. *Id.* See also, *Ameriquest Mortg. Co. v. Wash. State Office of Atty. Gen.*, 170 Wn.2d 418, 440, 241 P.3d 1245 (2010) (holding that the PRA’s “other statute” exemption allows for a separate statute to preclude disclosure of “specific information” or entire “records.”) While RCW 42.56.210 requires that agencies redact

partially-exempt records rather than withhold them in their entirety, *PAWS II* holds that this provision applies only to the exemptions specifically listed in the PRA, but the redaction requirement does not apply to an “other statute” incorporated into the PRA under RCW 42.56.070(1). *PAWS II*, 125 Wn.2d at 262. Thus, if the “other statute” exempts or prohibits disclosure of certain public records in their entirety, then the agency can withhold them in their entirety rather than redacting them. *Id.*

F. The Three-Year Statute of Limitations Is a Reasonable Benchmark For Determining Whether Civil Litigation Will Arise

WACDL claims that the City’s three-year benchmark is “arbitrary.” Br. of amicus WACDL at 8. An agency must determine whether final disposition of any criminal or civil litigation which arises from the event or events which were recorded has occurred before making dash-cam videos available to the public. The City reasonably adopted the three-year limitations for a personal injury lawsuit in RCW 4.16.080 as a benchmark for determining whether civil litigation will arise from a recorded event.

A number of provisions temporarily exempt records similar to RCW 9.73.090(1)(c). A provision may exempt a category of records for a specific time period. For example, valuable formulae, designs, drawings,

computer source code or object code, and research data obtained by any agency within five years of the request for disclosure are exempt when disclosure would produce private gain and public loss. RCW 42.56.270(1). A provision may exempt disclosure until a certain event has occurred as opposed to the passage of a specific time period. The investigative exemption in RCW 42.56.240(1) categorically exempts the contents of an open, active law enforcement investigation until closed or referred to a prosecuting agency. *Newman v. King County*, 133 Wn.2d 565, 574-75, 947 P.2d 712 (1997); *Cowles Pub. v. Spokane Police Dept.*, 139 Wn.2d 472, 479, 987 P.2d 620 (1999). A provision may even exempt disclosure until either a certain event has occurred or the passage of a particular time period. This hybrid approach is reflected in RCW 42.56.260 exempting disclosure of the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but also providing that disclosure may not be denied for more than three years after the appraisal.

When a provision exempts a category of records until a certain event happens, the agency must make a reasonable determination of when that occurs. *See American Civil Liberties Union v. City of Seattle*, 121

Wn.App. 544, 554, 89 P.3d 295 (2004) (holding that the deliberative process of labor negotiations ended when the contract was presented to the city council for adoption); *see also, Cowles Pub 'g Co. v. Spokane Police Dep't*, 139 Wn.2d 472, 479, 987 P.2d 620 (1999) (holding that the categorical exemption for open, active law enforcement investigations ends when the investigation is referred for a prosecutorial decision).

The records here are videos tagged for retention, which are defined as “Recordings created by mobile units which have captured a unique or unusual action from which litigation or criminal prosecution is expected or likely to result.”(CP 98).² By definition, tagged videos are those that will likely lead to litigation or criminal prosecution. The Privacy Act requires a law enforcement agency to determine whether final disposition of all criminal or civil litigation which arises from the event or events which were recorded has occurred, but provides no guidance for making this determination. SPD can look to its own records to determine whether criminal litigation related to a video has been resolved, but determining whether civil litigation has been disposed of presents a greater challenge.

² This case does not involve “untagged” in-car videos or “Recordings from Mobile Units—Incident Not Identified” as defined by Washington State Archives Law Enforcement Records Retention Schedule for Law Enforcement Agencies, Version 6.0, July 2010 §8.1.23: “Recordings created by mobile units which have not captured a unique or unusual action from which litigation or criminal prosecution is expected or likely to result.”

RCW 4.16.080 provides that an individual has three years from the date of an injury within which to file a personal injury lawsuit. WACDL argues that the City should have used the two-year statute of limitation for assault, assault and battery, and false imprisonment. RCW 4.16.100(1). Br. of amicus WACDL at 9. Nevertheless, RCW 9.73.090(1)(c)'s directive is specific. No video may be made available until final disposition of *any criminal or civil litigation which arises* from the recorded events. The two-year statutory period is inadequate to determine whether all civil litigation is likely to arise. SPD adopted three years from the date of the recorded event as the earliest date that it may release a particular in-car video to the public because all civil litigation which arises from an event that has been record period would not may not even be filed for at least three years from the date of the event.

In an apparent effort to make it look like SPD is "hiding" videos, WACDL (like KOMO) claims that SPD destroys tagged dash-cam video after three years. Br. of amicus WACDL at 8-9. This is not supported by the record. The record actually shows that in practice the videos are retained beyond three years. The Declaration of SPD IT Support Manager Bruce Hills states that all tagged video that had been generated since the end of 2008 is currently maintained on the COBAN system. (CP 457).

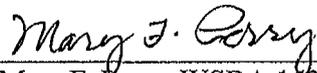
Moreover, the recordings do not just disappear once dropped from COBAN system because retention is not limited to the COBAN system. RCW 40.14.060 specifies that retention includes being copied and retained in a file for the retention period appropriate to that file. In addition, SPD's policy provides that "Data required to be saved beyond three years must be transferred onto a DVD and retained in the appropriate case file." SPD Policies & Procedures Manual Chapter 17.260.

III. CONCLUSION

WACDL attempts to introduce a new issue to this case regarding the interpretation of the meaning of "made available to the public" in RCW 9.73.090(1)(c). The Court should disregard their amicus briefing on that issue. Moreover, the Court should ignore WACDL's legal argument on that and other issues because they are based on unsupported theories and cramped reading of statutory language.

DATED this 31st day of May, 2013.

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Seattle City Attorney


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Attorneys for Respondents
City of Seattle

DECLARATION OF SERVICE

Marisa Johnson states and declares as follows:

I am competent to testify in this matter, am a Legal Assistant in the Law Department, Civil Division, Seattle City Attorney's Office, and make this declaration based on my personal knowledge.

2. On May 3rd, 2013, I caused to be delivered by ABC

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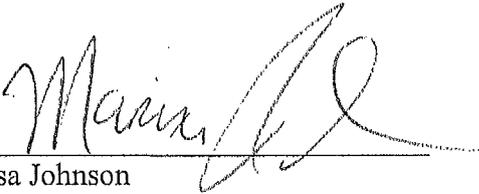
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a copy of defendant's Answer to Amicus Curiae of The Washington Association of Criminal Defense Lawyers.

3. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 3rd day of May, 2013, at Seattle, King County, Washington.



Marisa Johnson

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Attached please find a copy of the Answer to Amicus Curiae of the Washington Association of Criminal Defense Lawyers in the above matter for:

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