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IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON

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

Appellant,

v.

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

Respondents.

BY RONALD R. CARPENTER

2013 APR 22 P 2:42

SUPREME COURT  
STATE OF WASHINGTON

FILED

**BRIEF OF *AMICI CURIAE* NEWS MEDIA ENTITIES AND  
WASHINGTON COALITION FOR OPEN GOVERNMENT IN SUPPORT OF  
APPELLANT FISHER BROADCASTING – SEATTLE TV LLC**

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 ORIGINAL

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## I. INTRODUCTION

*Amici curiae*, identified in the Appendix, are members and representatives of the news media throughout the state, as well as the Washington Coalition for Open Government.<sup>1</sup> *Amici* urge this Court to reverse the trial court's April 6, 2012, Order, for all the reasons stated by Appellant ("KOMO"). *Amici* submit this brief to emphasize three points:

1. KOMO is entitled to receive the public records it requested because RCW 9.73.090(1)(c) is *not* a blanket three-year exemption to production of dash cam videos. The Seattle Police Department's ("SPD") interpretation to the contrary requires reading into the statute words that are not there. As a straightforward matter of statutory interpretation, RCW 9.73.090(1)(c) unambiguously applies *only* when litigation in fact "arises" from the events recorded in the subject video.

2. The Court should take this opportunity to remind public agencies of their obligations under the Public Records Act ("PRA") and the consequences for shirking them. SPD's response to KOMO's requests for dash cam videos is a textbook example of all the things agencies should *not* do in response to PRA requests. This Court should find that SPD violated the PRA by failing to provide "fullest assistance" to the

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<sup>1</sup> A motion for leave to file this brief has been filed concurrently.

requestor (as required by RCW 42.56.100) and failing to conduct an adequate search for the requested videos.

3. The Court should reject the privacy interests asserted by SPD and its supporting *amici*, and should instead confirm that interactions between police and citizens – particularly those visible from the dashboard of a police vehicle – are not “private.” The public has a heightened interest in access to dash cam videos. To the extent disclosure in a particular case threatens a legitimate privacy interest, the issue should be addressed under the PRA’s existing privacy-based exemptions.

**II. RCW 9.73.090(1)(C) RESTRICTS THE AVAILABILITY OF DASH CAM VIDEOS ONLY IF LITIGATION ACTUALLY “ARISES” FROM THE RECORDED EVENT**

At bottom, this case presents a simple question of statutory interpretation: does RCW 9.73.090(1)(c) require a police agency to withhold dash cam videos from the press and public, in blanket fashion, for three years following the recording? The answer is no. Even if RCW 9.73.090 could be construed as an “other statute” exemption under the PRA,<sup>2</sup> its restriction on public availability of dash cam videos unambiguously applies only to present litigation that actually arises from a recorded event.

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<sup>2</sup> For reasons thoroughly discussed in KOMO’s merits brief (at pp. 30-36), this Court should find in the first instance that RCW 9.73.090 does not apply to requests under the Public Records Act and is not an “other statute” PRA exemption.

Statutory interpretation starts with the statute's plain language, and ends there if the words are not ambiguous. *Bostain v. Food Express, Inc.*, 159 Wn.2d 700, 708-09, 153 P.3d 846 (2007). The statute at issue here provides, in relevant part:

No sound or video recording made under this subsection (1)(c) [*i.e.*, by video cameras mounted in law enforcement vehicles] may be duplicated and made available to the public by a law enforcement agency subject to this section until final disposition of any criminal or civil *litigation which arises from* the event or events which were recorded.

RCW 9.73.090(1)(c) (emphasis added). This provision unambiguously states that the restriction on public access to a dash cam recording applies if criminal or civil litigation “arises” from the particular event recorded. For the restriction to apply, in other words, litigation must exist. Notably, the provision does *not* say that videos shall be withheld until final disposition of litigation “which may arise.” The statute imposes no restriction on duplication or access to videos absent actual, present litigation arising from the event in question.

SPD argues RCW 9.73.090(1)(c) permits it to withhold *all* dash cam videos from the public for three years, on the ground that “the statute of limitations for a personal injury lawsuit is three years.” Resp. Br. at 43. Remarkably, SPD’s brief contains *no* analysis of the statutory language quoted above, presumably because SPD realizes its interpretation requires

reading into the statute words that are not there. If the Legislature wished to prevent disclosure of all dash cam videos for a fixed period, or until the statute of limitations on particular types of claims had passed, it would have said so – but it did not.

Accepting SPD’s reading would require straying far from the actual language of the statute. SPD interprets RCW 9.73.090(1)’s reference to “litigation which arises” from a recorded event to mean not only (a) litigation which arises from a recorded event, but also (b) litigation which *may* arise later.<sup>3</sup> But when the Legislature intends to refer to potential litigation, as distinct from actual litigation, it says so specifically. See RCW 42.30.110(1)(i) (Open Public Meetings Act provision permitting agency board to hold non-public executive session “[t]o discuss with legal counsel ... litigation *or potential litigation* to which the agency ... is, *or is likely to become*, a party”) (emphasis added). Because the Legislature did not refer at all to *potential* litigation in RCW 9.73.090(1), SPD’s interpretation violates the well-established canon that “[w]here the Legislature omits language from a statute,

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<sup>3</sup> SPD’s interpretation requires twisting the statutory language even further, because it reads into the statute a specific limitations period of three years, covering only personal injury claims. As SPD admits (Br. at 43), “other statutes of limitations are even longer.” Thus, to accept SPD’s interpretation, this Court would have to read RCW 9.73.090 as requiring dash cam videos to be withheld until the three-year limitations period for hypothetical personal injury claims – but no other claims – has passed. This reading has no textual support whatsoever.

intentionally or inadvertently,” courts will not interpret the statute as if the language were there. *Manary v. Anderson*, 176 Wn.2d 342, 357, 292 P.3d 96 (2013) (citation omitted); *Rest. Dev. Inc. v. Cananwill, Inc.*, 150 Wn.2d 674, 680, 80 P.3d 598 (2003).

SPD attempts to justify its contorted reading of the statutory language by suggesting that RCW 9.73.090 gives agencies discretion to determine whether the public disclosure exemption applies. *See* Resp. Br. at 43 (asserting statute “leaves it to an agency to determine whether final disposition of any criminal or civil litigation which arises from the event or events which were recorded has occurred.”). It cites no authority for this proposition, because there is none. To the contrary, in reviewing an agency’s actions, “courts retain the ultimate authority to interpret a statute.” *Waste Mgmt. of Seattle, Inc. v. Utils. and Transp. Comm’n*, 123 Wn.2d 621, 627, 869 P.2d 1034 (1994). Determining the scope of PRA exemptions is the purview of the courts, not the agency holding the records. *O’Neill v. City of Shoreline*, 170 Wn.2d 138, 149, 240 P.3d 1149 (2010) (“we need provide no deference to an agency’s interpretation of the PRA”); *Hearst Corp. v. Hoppe*, 90 Wn.2d 123, 130, 580 P.2d 246 (1978).

Even if SPD’s interpretation of RCW 9.73.090(1)(c) were a plausible reading of ambiguous statutory language (and it is not), it would still fail in light of the Legislature’s directive that disclosure under the

PRA must “be liberally construed and its exemptions narrowly construed.” RCW 42.56.030. *See Progressive Animal Welfare Soc’y v. Univ. of Wash.*, 125 Wn.2d 243, 261, 884 P.2d 592 (1994) (rejecting numerous exemptions claimed by the University of Washington to bar production of unfunded grant proposals because doing so would “contradict[] the Legislature’s command to construe the exemptions narrowly.”). The scope of RCW 9.73.090(1)(c) is perfectly clear on its face – it applies when litigation actually arises, and does not apply to hypothetical future litigation – but even if it were capable of more than one interpretation, the PRA requires the Court to adopt the narrow reading of the exemption to public access. SPD’s reading fails under this test.

*Amici* supporting SPD argue that legislative history somehow shows that RCW 9.73.090(1)(c) is “intended to be different than any other public records statutes.” *See* Washington State Association of Municipal Attorneys (“WSAMA”) Br. at 11-12. The history it cites, however, says nothing of the sort. In fact, RCW 9.73.090’s legislative history indicates no intent to limit public access to dash cam videos for three years (or any other fixed period), and is silent on any interaction between the statute and the PRA. Indeed, the very legislative history WSAMA relies on establishes that one purpose of RCW 9.73.090(1)(c) is to assure police accountability – to “create a checks and balances system for officer

conduct.” WSAMA Br. at 12, quoting H.B. Rep. on Substitute H.B. 2903 56th Leg., Reg. Sess. (Wash. 2000). This Court recognized this same purpose in *Lewis v. State Dept. of Licensing*, 157 Wn.2d 446, 463, 139 P.3d 1078 (2006). Public access is inherent in any system of government accountability, and hiding all dash cam videos from public view for three years plainly would thwart the Legislature’s intent that such videos serve as a check and balance on officer conduct. Disclosure of dash cam videos in the absence of any actual litigation is thus entirely consistent with the Legislature’s purpose in both RCW 9.73.090 and the PRA, as well as required by the statutes’ plain terms.

In sum, the trial court erred on the central legal issue of this case, interpretation of RCW 9.73.090(1)(c). This Court should reverse, and hold that dash cam videos are subject to disclosure upon request under the PRA. RCW 9.73.090(1)(c) does not restrict the availability of a dash cam video where there is no actual, pending litigation arising from the recorded event.

**III. SPD VIOLATED THE PUBLIC RECORDS ACT BY FAILING TO PROVIDE FULL ASSISTANCE TO KOMO AND BY FAILING TO CONDUCT AN ADEQUATE SEARCH FOR THE REQUESTED RECORDS**

The Court should reiterate the scope of a public agency’s obligations in responding to PRA requests – obligations that SPD

manifestly failed to meet in response to KOMO's requests for dash cam videos. *Amici* focus on two distinct violations of the PRA, over and above SPD's failure to disclose or produce non-exempt records: SPD's refusal to provide fullest assistance to a requestor, and its failure to conduct an adequate search for requested records.

Under the PRA, an agency must adopt rules that assure timely action in response to requests for records, and also provide "for the fullest assistance to inquirers" making PRA requests. RCW 42.56.100. As the Court of Appeals has recognized, this provision requires agencies to accommodate requestors in a "reasonable and feasible" manner, even if the assistance goes beyond the express obligations of the PRA. *Mechling v. City of Monroe*, 152 Wn. App. 830, 850, 222 P.3d 808 (2009) (under "fullest assistance" provision, agency must produce emails in electronic format on request). An agency fails to provide "fullest assistance" when it disfavors a requestor or deliberately delays producing a record. *Doe I v. Wash. State Patrol*, 80 Wn. App. 296, 301, 908 P.2d 914 (1996), *rev'd in part on other grounds*, *Yousoufian v. Office of Ron Sims*, 152 Wn.2d 421, 436, 98 P.3d 463 (2004).

This Court has not extensively discussed the scope of RCW 42.56.100's "fullest assistance" provision.<sup>4</sup> *Amici* urge this Court to approve the above-cited holdings of *Mechling* and *Doe I* and to adopt a broad reading of this statutory requirement – one that recognizes that "fullest assistance" requires agencies to effectuate the requestor's expressed intent, to help rather than thwart requestors in obtaining non-exempt records, and to provide records promptly and in the requested format. The Court should further hold that SPD failed, under any reading of RCW 42.56.100, to provide KOMO with "fullest assistance" in fulfilling its records request. To cite just a few examples:

- SPD ignored the context of KOMO's first two database requests, which made clear that KOMO was seeking the database for the dash-cam video system in order to identify videos "tagged for retention." SPD never expressed any confusion about these requests. Instead, SPD summarily denied them. Then, after KOMO sued, SPD pretended KOMO had asked for something else, providing an "after-the-fact" interpretation that narrowly construed the request to encompass only documents that had been destroyed. SPD had never previously told KOMO about this new,

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<sup>4</sup> In *Yousoufian v. Office of Ron Sims*, 168 Wn.2d 444, 229 P.3d 735 (2010), the Court cited the "fullest assistance" provision as the basis for courts to consider "the helpfulness of the agency to the requestor" in assessing *per diem* penalties under the PRA. *Id.*, 168 Wn.2d at 467 n.12 (citing RCW 42.56.100).

after-the-fact interpretation, and never sought any clarification before denying the request. *See* App. Br. at 8, 19, 23, 25.

- SPD never reviewed its database system capabilities in response to KOMO's first two database requests. Instead, SPD's public records officer directed SPD information technology staff to *not* contact the vendor, COBAN, for assistance prior to denying KOMO's requests for the database. Six months later COBAN told SPD it could provide such assistance for free. *See* CP 239; App. Br. at 12, 14-15.

- While SPD provided its COBAN database to another requestor (who happened to have the technical expertise to frame his request in a way that SPD could not deny), SPD blamed KOMO for failing to use the "right words" in its requests – after wrongfully refusing to provide KOMO with access to the COBAN user manual and ignoring the advice of its own staff to let KOMO's reporter meet with SPD staff familiar with the COBAN system. *Id.* at 6, 7.

As further detailed in KOMO's brief (pp. 6-16, 19-27), SPD responded to KOMO's database requests with deliberate disregard of the requestor's expressed intent and misleading explanations regarding the content and search capabilities of its COBAN database. This Court should hold that SPD's failure to provide fullest assistance violates the PRA.

The conduct described above also violates SPD's PRA obligation to conduct an "adequate search," as defined by this Court in *Neighborhood Alliance of Spokane County v. County of Spokane*, 172 Wn.2d 702, 261 P.3d 119 (2011). "[T]he adequacy of a search is judged by a standard of reasonableness, that is, the search must be reasonably calculated to uncover all relevant documents." *Id.* at 720. "The issue of whether the search was reasonably calculated and therefore adequate is separate from whether additional responsive documents exist but are not found." *Id.* Agencies are required, among other things, "to make more than a perfunctory search and to follow obvious leads as they are uncovered." *Id.* Furthermore, the agency must "explain the adequacy of the search in the response to the request." *Id.* at 722-23.

SPD's response to KOMO's records requests falls far short of the search requirements set out in *Neighborhood Alliance*. Among other things, the agency ignored obvious sources of responsive information by failing to contact COBAN. It also failed to follow up on obvious clues that appeared on the face of a report it produced to KOMO that indicated the system had video search capabilities. *See* Resp. Br. App. A. In addition, SPD's efforts to "explain" its search to KOMO were plainly inadequate: SPD repeatedly misled KOMO about the existence of dash cam videos, the nature and extent of the records searches SPD had

conducted, and the agency's ability to search for and locate responsive videos. *See, e.g.*, App. Br. at 8, 11-13.

*Amici* urge this Court to reject unequivocally SPD's conduct in this case, and to leave no doubt that the agency failed to meet the standards required to respond to a PRA request. This case provides an appropriate opportunity to offer guidance and caution to all Washington agencies.

#### **IV. POLICE DASH CAMS RECORD MATTERS OF PUBLIC, NOT PRIVATE, CONCERN**

SPD and its supporting *amici* also claim that the release of videos showing police officers interacting with individuals in public places would threaten important privacy interests. The Court should reject these arguments, and should find that withholding such videos in fact would undermine significant *public* interests.

As a general matter, "conversations with police officers are not private." *Lewis*, 157 Wn.2d at 460. In *Lewis*, this Court rejected an effort to suppress recordings of traffic stops based on an alleged violation of RCW 9.73.090. *See also State v. Flora*, 68 Wn. App. 802, 808, 845 P.2d 1355 (1992) (rejecting police officer's claim that recording violated statute because officers "could not reasonably have considered their words private"). Similarly, a federal court ruled that a filmmaker did not violate the law by recording officers and protesters, because this amounted to

“nothing more than making a record, not differing essentially from a full written description, of a public sight which anyone would be free to see.” *Fordyce v. City of Seattle*, 840 F. Supp. 784, 793 (W.D. Wash. 1993), *aff’d in part, vacated in part, rev’d in part*, 55 F.3d 436 (9th Cir. 1995) (quotation marks, citation omitted).

As these cases recognize, videos of police-citizen interactions provide the public with an important tool to assess police conduct. Such recordings have “ended a monopoly on the history of public gatherings that was limited to the official narratives, like the sworn documents created by police officers and prosecutors.” Jim Dwyer, *When Official Truth Combines with Cheap Digital Technology*, N.Y. Times (July 30, 2008). As a result, many police departments – including Seattle’s – have installed dash cam videos. See Lonnie J. Westphal, *In-Car Camera: Value and Impact*, 71 *Police Chief* 59 (Aug. 2004) (officers interviewed “commented repeatedly that it is only human nature to perform to the best of one’s ability when you know you are being recorded”).

One need look no further than the Department of Justice’s investigation of SPD to understand the importance of dash cam videos in Washington. In 2009, 2010, and 2011, video exposed several instances of misconduct: a sheriff’s deputy kicking a teenage girl in a jail cell,

punching her, and pulling her hair;<sup>5</sup> SPD officer Shandy Cobane stomping on a suspect's head and threatening to beat the "Mexican piss" out of him<sup>6</sup>; and, perhaps most notoriously, an SPD officer shooting and killing homeless woodcarver John T. Williams, prompting public outcry.<sup>7</sup>

The DOJ investigated and found that SPD had engaged in a "pattern or practice of excessive force that violates the Constitution and federal law."<sup>8</sup> Video footage played a significant role in assuring that this misconduct came to light. For example, citing the Cobane incident, DOJ noted that SPD officers "have used racially insensitive or racially inflammatory language toward, and against, racial and ethnic minorities" and found it "troubling" that Cobane's use of an epithet "failed to provoke any surrounding officers to react."<sup>9</sup>

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<sup>5</sup> Mike Carter, "Department of Justice investigating sheriff's deputy in jail cell videotape," Seattle Times (Dec. 16, 2009), [http://seattletimes.nwsourc.com/html/nationworld/2008807012\\_webvideo03m.html](http://seattletimes.nwsourc.com/html/nationworld/2008807012_webvideo03m.html).

<sup>6</sup> Steve Miletich, "Seattle police to look at whether department discouraged release of video," Seattle Times (May 20, 2010), [http://seattletimes.nwsourc.com/html/localnews/2011917010\\_opa21m.html](http://seattletimes.nwsourc.com/html/localnews/2011917010_opa21m.html).

<sup>7</sup> See Sara Jean Green and Steve Miletich, "Seattle police have questions about fatal shooting by officer," Seattle Times (Aug. 31, 2010), [http://seattletimes.nwsourc.com/html/localnews/2012769201\\_copshooting01m.html](http://seattletimes.nwsourc.com/html/localnews/2012769201_copshooting01m.html).

<sup>8</sup> See Justice Department Releases Investigative Findings on the Seattle Police," DOJ Press Release, Dec. 16, 2011, <http://www.justice.gov/opa/pr/2011/December/11-crt-1660.html>.

<sup>9</sup> See Dec. 16, 2011 Letter to Seattle Mayor Mike McGinn from DOJ, [http://www.justice.gov/crt/about/spl/documents/spd\\_findletter\\_12-16-11.pdf](http://www.justice.gov/crt/about/spl/documents/spd_findletter_12-16-11.pdf).

Video footage has thus proven an invaluable resource in revealing wrongdoing, in holding those responsible accountable, and in spurring remedial steps to prevent future transgressions. Rather than acknowledge this, SPD and its *amici* urge the Court to construe the dash cam statute narrowly because of the “potential impact disclosure could have on individual citizens and the legal system.” Resp. Br. at 44. *Amicus* Washington Association of Sheriffs and Police Chiefs (“WASPC”) posits hypothetical examples ranging from a “youngster ... caught in a compromising position” to a tattoo that “becomes inadvertently exposed.” WASPC Br. at 14-15. But if RCW 9.73.090(1)(c) were intended to address these purported privacy concerns, the statute would have barred the release of dash cam videos in all instances. Instead, the Legislature exempted only a limited subset – those that result in litigation – because it recognized that the events captured by dash cam videos are *not* private, and because its primary concern was public accountability. Moreover, the PRA *already* addresses whether, in any individual case, a personal privacy concern justifies withholding dash cam videos from the public. For example, it exempts from production “specific investigative records” where nondisclosure “is essential ... for the protection of any person’s right to privacy.” RCW 42.56.240(1); *see also* RCW 42.56.050 (defining extent of “right to privacy” under the PRA).

The Court also should reject WSAMA's argument that disclosure of dash cam videos would impair a suspect's fair trial rights. As the Court has recognized, pretrial disclosure of police records "rarely results in the inability to impanel a fair and impartial jury." *Cowles Publ'g Co. v. Spokane Police Dep't*, 139 Wn.2d 472, 479, 987 P.2d 620 (1999). Moreover, fair trial concerns are best addressed through steps such as "searching voir dire" and "clear and emphatic cautionary instructions" rather than by suppressing disclosure of public records. *Seattle Times Co. v. Serko*, 170 Wn.2d 581, 596, 243 P.3d 919 (2010); *State v. Bassett*, 128 Wn.2d 612, 617, 911 P.2d 385 (1996); *see also Skilling v. U.S.*, 561 U.S. \_\_\_, 130 S. Ct. 2896, 2915, 177 L. Ed. 2d 618 (2010) ("prominence does not necessarily produce prejudice, and juror *impartiality*, we have reiterated, does not require *ignorance*"). Courts may not bar public access based on the sort of generalized fear of publicity suggested by SPD and its supporting *amici*.

Also unfounded is WASPC's claim that dash cam videos must be kept secret to protect the integrity of investigations. WASPC Br. at 18. WASPC argues, for example, that a detective may wish to withhold information to test the veracity of a confession. *Id.* But that is precisely why the PRA exempts certain "investigative, law enforcement, and crime victim information," including "specific investigative records" where

nondisclosure “is essential to effective law enforcement.”

RCW 42.56.240(1). The PRA also exempts “[i]nformation revealing the identity of persons who are witnesses to or victims of crime ... if disclosure would endanger any person's life, physical safety, or property.”

RCW 42.56.240(2). These provisions, unlike RCW 9.73.090, specifically address the extent to which investigative needs justify denying public access to police records.

The Court also must be cognizant that the purported dangers that SPD and its *amici* posit from the release of dash cam videos would apply with equal force to *all* public records requests. For example, WSAMA complains that “processing public records requests ... consumes a significant amount of time” and that, if the Court finds for KOMO, that time could “grow at an even faster rate.” WSAMA Br. at 5. Yet that is not a reason to withhold a record – the PRA requires strict compliance, even if it imposes “administrative inconvenience or difficulty” on an agency. *Zink v. City of Mesa*, 140 Wn. App. 328, 337, 166 P.3d 738 (2007). This Court should reject any attempt to treat dash cam videos different than any other public record.

Finally, WASPC hints that police agencies may decide to “forego” use of dash cam videos “depending on this Court’s decision.” WASPC Br. at 19. The Court should give no credence to this threat. Public

officials can certainly choose not to equip police agencies with dash cam videos, if they decide the burdens outweigh the benefit. But they cannot be heard, on one hand, to extol the virtues of such recordings to protect the integrity of investigations and serve the public interest while, on the other hand, to claim the public has no right to see them. As the PRA states:

The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, ***do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.*** The people insist on remaining informed so that they may maintain control over the instruments that they have created.

RCW 42.56.030 (emphasis added). The PRA gives the press and the public the right of access to information about public servants: “free and open examination of public records is in the public interest, even though such examination may cause inconvenience or embarrassment to public officials or others.” RCW 42.56.550(3). “The stated purpose of the Public Records Act is nothing less than the preservation of the most central tenets of representative government, namely, the sovereignty of the people and the accountability to the people of public officials and institutions.” *Progressive Animal Welfare Soc’y*, 125 Wn.2d at 251.

The Court should uphold these principles by finding for Appellant. Dash cam videos are important public records, paid for by public funds. As such, they must be subject to public scrutiny.

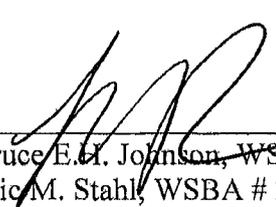
#### V. CONCLUSION

For the foregoing reasons, *amici* urge the court to reverse the trial court and hold that (i) dash cam videos are subject to disclosure upon request under the PRA, (ii) RCW 9.73.090(1)(c) does not restrict the public availability of a dash cam video where there is no actual, pending litigation arising from the recorded event, and (iii) SPD violated the PRA in all the respects discussed herein and in KOMO's brief.

RESPECTFULLY SUBMITTED this 12th day of April, 2013.

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By



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## APPENDIX

### Identity and Description of *Amici Curiae*

1. **Allied Daily Newspapers of Washington**, a Washington not-for-profit association representing 27 daily newspapers serving Washington and the Washington bureaus of the Associated Press.
2. **Evening Telegram Company, d/b/a Morgan Murphy Media**, on behalf of television stations **KXLY-TV (Spokane)**, **KAPP-TV (Yakima)** and **KVEW-TV (Kennewick)** and their respective websites.
3. **Hearst Corporation**, one of the nation's largest diversified media and information companies. Its major interests include ownership of **seattlepi.com** in Washington, as well as 51 newspapers elsewhere in the country; 29 television stations, which reach a combined 18 percent of U.S. viewers; hundreds of magazines worldwide; and significant holdings in the automotive, electronic, medical/pharmaceutical and financial information industries.
4. **King Broadcasting Company**, a subsidiary of Belo Corp., which operates television stations **KING-TV (Seattle)**, **KONG-TV (Seattle)**, **KREM-TV (Spokane)** and **NorthWest Cable News** and their respective websites.
5. **KIRO-TV, Inc.**, on behalf of television station **KIRO-TV (Seattle)**.

6. **The McClatchy Company**, publisher of *The News Tribune* (Tacoma), *The Olympian*, *The Bellingham Herald*, *The Tri-City Herald*, *The Peninsula Gateway* (Gig Harbor), and *The Puyallup Herald* and their respective websites.

7. **Seattle Times Company**, publisher of *The Seattle Times*, *Yakima Herald-Republic*, *Walla Walla Union-Bulletin*, *The Issaquah Press*, *Sammamish Review* and *Newcastle News* and their respective websites.

8. **Washington Coalition for Open Government**, an independent, nonprofit, nonpartisan organization dedicated to promoting and defending the public's right to know in matters of public interest and in the conduct of the public's business. WCOG's mission is to help foster open government processes, supervised by an informed and engaged citizenry, which is the cornerstone of democracy. WCOG represents a cross-section of the Washington public, press, and government.

9. **Washington Newspaper Publishers Association**, a for-profit association representing 105 community newspapers in Washington. With the exception of four daily newspapers and three bi-weekly newspapers, WNPA's member newspapers are weekly or semi-weekly newspapers, most serving rural or suburban communities.

**10. Washington State Association of Broadcasters**, a not-for-profit trade association the membership of which is made up of approximately 25 television stations and 148 radio stations licensed by the Federal Communications Commission to communities within the state of Washington. The radio and television station members of WSAB are engaged in newsgathering and reporting on issues and events of public interest to their viewers and listeners, providing their primary source of news and information.

CERTIFICATE OF SERVICE

I certify that on this 12th day of April, 2013, I caused to be served, a true and correct copy of the attached document, upon the following:

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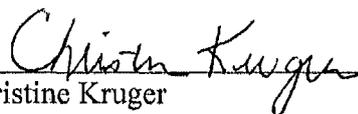
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Declared under penalty of perjury under the laws of the state of Washington dated at Seattle Washington this 12th day of April, 2013.

  
Christine Kruger

## OFFICE RECEPTIONIST, CLERK

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**To:** Kruger, Christine  
**Cc:** Stahl, Eric; Johnson, Bruce; Doran, Ambika  
**Subject:** RE: Fisher Broadcasting - Seattle TV L.L.C. dba KOMO 4 v. City of Seattle and the Seattle Police Department; No. 87271-6

Rec'd 4-12-13

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**From:** Kruger, Christine [<mailto:ChristineKruger@DWT.COM>]  
**Sent:** Friday, April 12, 2013 10:03 AM  
**To:** OFFICE RECEPTIONIST, CLERK  
**Cc:** Stahl, Eric; Johnson, Bruce; Doran, Ambika  
**Subject:** Fisher Broadcasting - Seattle TV L.L.C. dba KOMO 4 v. City of Seattle and the Seattle Police Department; No. 87271-6

Attached for filing in the following matter:

*Fisher Broadcasting - Seattle TV L.L.C. dba KOMO 4 v. City of Seattle and the Seattle Police Department; No. 87271-6*

are the following documents:

1. Motion of *Amici Curiae* News Media Entities and Washington Coalition for Open Government to File Brief in Support of Appellant Fisher Broadcasting – Seattle TV LLC; and
2. Brief of *Amici Curiae* News Media Entities and Washington Coalition for Open Government in Support of Appellant Fisher Broadcasting – Seattle TV LLC

The attorney filing the attached documents is:

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