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SUPREME COURT OF THE STATE OF WASHINGTON

JOHN DOE A, et al,

Respondents,

v.

WASHINGTON STATE PATROL, et al,

Appellants.

REPLY BRIEF OF APPELLANT WASHINGTON STATE PATROL

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I. INTRODUCTION

The purpose of the Community Protection Act was to increase public awareness of dangerous sex offenders. Respondents' interpretation of RCW 4.24.550 nullifies this important purpose. The Washington State Patrol (Patrol) recognizes that disclosing sex offender registration information furthers both the purposes underlying the Community Protection Act and the Public Records Act (PRA), chapter 42.56 RCW. RCW 4.24.550 addresses the *proactive, broad-based community notification* of convicted sex offender information to the general public. It does not address the Patrol *responding to a direct request for public records* maintained by the Patrol, such as the Sex and Kidnapping Offender Registry Database (database) or other sex offender registration records. As such, the Patrol respectfully requests this Court to restore the agency's ability to produce identifiable sex offender registration records to both the requestor in this action, Donna Zink, and every person who requests these records under the PRA.

Respondents repeatedly conflate the purposes and intent in the Community Protection Act's community notification provisions with the purposes of the PRA. Throughout their argument they suggest that where the legislature limited what information can be proactively disseminated to the public at large, the legislative intent was to also limit what information

may be released in response to a specific public records request. The Community Protection Act's legislative history contradicts this argument. The Legislature expressed frustration that agencies were reluctant to proactively disseminate information that was already subject to public disclosure - such as conviction information. The Legislature did not intend to create an exemption for information already subject to public disclosure. Every provision in RCW 4.24.550, and every reference to it in other statutes, furthers one purpose – authorizing agencies to proactively notify the public about recently released sex offenders.

Even if this Court construes RCW 4.24.550 as an "other statute," the permanent injunction's plain language requires the Patrol to conduct RCW 4.24.550(2)'s three-pronged risk assessment before releasing any sex offender registration record – not limited to the class members – to any requestor. Despite respondent's argument that this language is simply guidance, the four corners of this order specifically command the Patrol to undertake such an analysis before producing a sex offender registration record. This result denies records to persons who are not parties to this litigation. Accordingly, at minimum, this Court should remand this case to the trial court with instructions to strike the language addressing requests by other requestors.

II. ARGUMENT

A. **RCW 4.24.550 Is Not An "Other Statute" That Exclusively Regulates Disclosure Of Registered Sex Offender Information.**

The Legislature and this Court have consistently construed RCW 4.24.550 as a community notification statute. Interpreting RCW 4.24.550 as "an other" statute that limits release of records under the PRA undermines the statute's plain language, legislative intent, and the practical reality that producing a record in response to a public records request is not the same as broad-based proactive community notification by a local law enforcement agency.

1. **RCW 4.24.550's plain language provides immunity to public agencies that proactively disseminate information about convicted sex offenders.**

Every provision in RCW 4.24.550 advances one goal – the proactive dissemination of convicted sex offender information to the community at large. "If the language is unambiguous, we give effect to that language and that language alone because we presume the legislature says what it means and means what it says." *State v. Costich*, 152 Wn.2d 463, 470, 98 P.3d 795 (2004) (citation omitted). In this case, the statute's plain language solely addresses proactive community notification and is not an exemption to the PRA.

In 1990, the Legislature titled the first part of the Community Protection Act as "Community Notification." Laws of 1990, ch. 3. When a section heading is "placed in the original act by the legislature without any limiting provisions", it "become[s] an integral part of the law and [is] useful in statutory interpretation." *State v. Lundell*, 7 Wn. App. 779, 782 n. 1, 503 P.2d 774 (1972). Section 117 of that part became codified as RCW 4.24.550. See Code Reviser's Notes following RCW 4.24.550. In its current form, RCW 4.24.550(1) authorizes public agencies "to release information to the public regarding sex offenders . . . when the agency determines that disclosure of the information is relevant and necessary to protect the public and counteract the danger created by the particular offender." This subsection goes on to specify that the "authorization applies to information regarding . . . [a]ny person adjudicated or convicted of a sex offense[.]" *Id.* The subsection does not tie or limit the authority to release information to a request for public records; it is free-standing authority to release information and it is limited only by its terms.

Under this statute, local law enforcement agencies are required to "make a good faith effort to notify the public and residents within a reasonable period of time after the offender registers with the agency." RCW 4.24.550(6)(c). To this end, subsections (2) and (3) provide guidance to agencies on how to notify the public about a recently released

sex offender who moves into the community. For convicted sex offenders classified at risk level I, RCW 4.24.550(3) provides that:

[L]ocal law enforcement agencies shall consider the following guidelines in determining the extent of a public disclosure made under this section: . . . The agency may disclose, upon request, relevant, necessary, and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the offender resides, expects to reside, or is regularly found[.]

The statute defines the scope of relevant and necessary community notification as:

[T]he extent of the public disclosure of relevant and necessary information shall be rationally related to: (a) The level of risk posed by the offender to the community; (b) the locations where the offender resides, expects to reside, or is regularly found; and (c) the needs of the affected community members for information to enhance their individual and collective safety.

RCW 4.24.550(2). An agency that releases relevant and necessary information to the community, in good faith and without gross negligence, is "immune from civil liability for damages." RCW 4.24.550(7).

Consistent with this plain language, this Court and the Ninth Circuit have consistently characterized RCW 4.24.550 as a community notification statute. *State v. Ward*, 123 Wn.2d 488, 503-04, 869 P.2d 1062 (1994) (construing RCW 4.24.550 as authorizing "public warnings" regarding convicted sex offenders); *Russell v. Gregoire*, 124 F.3d 1079, 1089-90 (9th Cir. 1997) (characterizing RCW 4.24.550 as a "notification

regime"); *In re Meyer*, 142 Wn.2d 608, 620, 16 P.3d 563 (2001) (noting convicted sex offender information "is not subject to any specific confidentiality protection.") (citations omitted).

Despite the statute's plain language and consistent appellate interpretations, respondents attempt to elevate RCW 4.24.550 from a simple immunity statute to an "other statute" exemption that comprehensively regulates disclosure of convicted sex offender information. Brief of Respondents at 1. In part, respondents essentially argue that the practical effect of the Patrol producing the database is the same as a law enforcement agency publicly posting community notification for every convicted sex offender classified at risk level I. *See* Resp'ts' Br. at 9, 17. This argument fails for three reasons: (1) the terms "public disclosure" and "request" must be read in context of the entire statutory scheme that authorizes community notification; (2) interpreting RCW 4.24.550 as a community notification statute is in harmony with subsection (9)'s plain language that convicted sex offender information is not confidential unless otherwise provided by law; and (3) there is a significant difference between an agency posting a community notification flier in a conspicuous public place and an agency producing a record in response to a public records request.

- a. **RCW 4.24.550's term public disclosure refers to proactive community notification by local law enforcement agencies.**

Respondents focus on subsection (2) and (3)'s terms "public disclosure" and "request" as proof that the legislature designed RCW 4.24.550 as an "other statute" that exempts disclosure of level I sex offender registration records. Resp'ts' Br. at 6. This argument fails to recognize the maxim that the same term used in different statutory schemes without definition may carry different meanings depending upon the context in which it is used. *See Graham v. Wash. State Bar Ass'n*, 86 Wn.2d 624, 626, 548 P.2d 310 (1976) (holding that statute calling Bar Association an "agency of the state" did not use "agency" in the same sense as in a separate unrelated statute regarding audits of state agencies.). In the current context, RCW 4.24.550 addresses proactive dissemination of information about convicted sex offenders. As described above, RCW 4.24.550(6) requires local law enforcement agencies to notify the community about a recently released sex offender within a reasonable amount of time. Subsection (2) addresses the type of information that should be disclosed to the community pursuant to this section – i.e., pursuant to RCW 4.24.550, *not* RCW 42.56.520.

In terms of subsection (3)'s direction to local law enforcement agencies to provide "relevant, necessary, and accurate information" to

certain persons "upon request", this provision addresses disclosure of information *not* production of an identifiable public record. Washington courts recognize that there are legal processes to obtain public records separate from the PRA. *See Germeau v. Mason Cnty*, 166 Wn. App. 789, 271 P.3d 932 (2012), *review denied*, 174 Wn.2d 1010, 281 P.3d 686 (2012) (A police union representative's letter to the employing law enforcement agency did not provide fair notice of a public records request or a request pursuant to the civil service statute); *Wood v. Lowe*, 102 Wn. App. 872, 10 P.3d 494 (2000) (Former county employee did not provide fair notice that her letter was a public records request or a request under a statute granting a public employee access to her personnel file).

Moreover, "[a] request for information about public records or for the information contained in a public record is not a PRA request." *Beal v. City of Seattle*, 150 Wn. App. 865, 876, 209 P.3d 872 (2009) (citation omitted). Likewise, an agency is not required to create a record (e.g., a letter outlining a convicted sex offender's release, location, or dangerous propensities) that does not already exist. *See id.* at 875-76 (citation omitted). As such, subsection (3) does not incorporate the PRA by reference, and is not an "other statute" that limits disclosure of identifiable public records under the PRA.

Respondents also fail to recognize the interplay of RCW 4.24.550 with other statutes that authorize proactive release of sex offender information that is far more sensitive than the fact of conviction and residential address at issue here. "In ascertaining legislative purpose, statutes which stand in *pari materia* are to be read together as constituting a unified whole, to the end that a harmonious, total statutory scheme evolves which maintains the integrity of the respective statutes." *Hallauer v. Spectrum Prop., Inc.*, 143 Wn.2d 126, 146, 18 P.3d 540 (2001) (citation omitted) (internal quotation marks omitted). The Community Protection Act's "Community Notification" part amended several statutes to reference section 117 (currently RCW 4.24.550) and authorize agencies to release information about "juveniles adjudicated of sex offenses," persons found not guilty by reason of insanity of sex offenses, and persons civilly committed after dismissal of their sex offense charge. Laws of 1990, ch. 3, §§ 102, 105, 110. Currently, several statutes reference RCW 4.24.550 to authorize public dissemination of sensitive information regarding sex offenders. *See, e.g.*, RCW 71.09.335 (When a [civilly committed sexually violent predator] is conditionally released to the secure community transition facility . . . , the sheriff must provide each household on McNeil Island with the community notification information provided for under RCW 4.24.550."); RCW 72.09.345(7) ("The [End of

Sentence Review Committee] shall issue to appropriate law enforcement agencies, for their use in making notifications under RCW 4.24.550, narrative notices regarding the pending release of sex offenders from [correctional] facilities."). Accordingly, RCW 4.24.550 addresses public agencies disseminating convicted sex offender information to the public rather than producing identifiable records in response to a public records request.

Contrary to respondents' arguments that RCW 4.24.550 must be read as an "other statute" to provide meaning to the risk classification provisions in subsections (3) and (6), the reason for risk classification is to provide a methodology for community notification. *See* RCW 4.24.550(4) (For offenders classified at level III, the county sheriff is required to "cause to be published by legal notice, advertising, or news release a sex offender community notification that conforms to the guidelines established under RCW 4.24.5501);¹ CP at 87-92 (Washington Association of Sheriffs and Police Chief model policy addressing the extent of community notification based on the convicted sex offender's risk level). Accordingly, RCW 4.24.550's plain language addresses

¹ RCW 4.24.5501(1) provides "[w]hen funded, the Washington association of sheriffs and police chiefs shall convene a sex offender model policy work group to develop a model policy . . . for sex offender registration, community notification, and strategies for sex offender management." Tellingly, this statute does not require guidelines for producing sex offender registration records in response to public records requests.

agencies proactively notifying the community of a recently released sex offender.

- b. **An interpretation that RCW 4.24.550 is an "other statute" that limits disclosure of registered sex offender records conflicts with RCW 4.24.550(9)'s disclaimer of confidentiality and the presumption that all public records are subject to public inspection absent an explicit exemption.**

Reading RCW 4.24.550 as an "other statute" that limits disclosure of convicted sex offender information conflicts with subsection (9)'s plain language. RCW 4.24.550(9) provides "[n]othing in this section implies that information regarding persons designated in subsection (1) of this section is confidential except as may otherwise be provided by law." When determining the meaning of undefined terms, a "court will consider the statute as a whole and provide such meaning to the term as is in harmony with other statutory provisions." *Heinsma v. City of Vancouver*, 144 Wn.2d 556, 564, 29 P.3d 709 (2001) (citation omitted). A harmonious reading of subsection (9) with both the Community Protection Act and the PRA is that the Legislature made clear that agencies should not imply an exemption for convicted sex offender information absent another statute outside RCW 4.24.550 that deems that information to be confidential. *See, e.g.,* RCW 13.50.050 (certain records relating to the commission of juvenile offenses are declared to be confidential).

To explain away this clear legislative mandate, respondents argue that there is a distinction between exempt records and confidential records and contend subsection (9) "simply provides that the records at issue are not prohibited from disclosure as confidential." Resp'ts' Br. at 12.² This is a circular argument that assumes, without explicit statutory language, that level-I sex offender information is exempt from disclosure under the PRA unless a public agency engages in RCW 4.24.550(2)'s multi-factor balancing test, even though RCW 4.24.550(9) expressly provides that the records are not deemed confidential – or exempt – under the statute. *See also Meyer*, 142 Wn.2d at 620 (a sex offense conviction "is not subject to any specific confidentiality protection.") (citations omitted). By inferring an exemption from the PRA where none is explicitly provided, respondents' argument contravenes clear precedent that all public records are presumed open to public inspection and that exemptions cannot be implied. *See contra Spokane Police Guild v. Wash. State Liquor Control Bd.*, 112 Wn.2d 30, 36, 769 P.2d 283 (1989); *Progressive Animal Welfare Soc'y v. Univ. of Wash. (PAWS II)*, 125 Wn.2d 243, 262, 884 P.2d 592 (1994). Accordingly, interpreting RCW 4.24.550 as a community

² It should be noted that respondents misconstrue the exemption list on the Patrol's website. Resp'ts' Br. at 11. The exemption list on the Patrol's website is a modified version of the Municipal Research Services Center's exemption list. CP at 128. This list includes many exemptions that the Patrol does not rely on to withhold records in response to public records requests. CP at 128.

notification statute harmonizes subsections (2) and (3) dissemination provisions with subsection (9)'s clear disclaimer that convicted sex offender information is not confidential unless another statute says so.

- c. **A public agency producing records in response to a public records request is not akin to a law enforcement agency notifying an entire community about the location of local sex offenders.**

There is a difference between posting a general sex offender notification bulletin in view of the public at large and producing a sex offender registration form in response to a specific public records request. Interpreting RCW 4.24.550 as a community notification statute, rather than as an "other statute" that regulates responses to public records requests, resonates with the reasoning in *Smith v. Doe I*, 538 U.S. 84, 123 S. Ct. 1140, 155 L. Ed. 2d 164 (2003). Specifically, there is a significant difference between the government posting fliers about convicted sex offenders in conspicuous public places and a citizen making a public records request. *Id.* at 105 (Alaska posting the photographs, names, and addresses on the internet is a "passive notification system" because "[a]n individual must seek access to the information.").

Respondents conflate an agency's production of an identifiable public record to a requestor and RCW 4.24.550's authorization for broad-based community notification, when they maintain that producing the

database to single requestor is the same as a law enforcement agency conspicuously posting public notification bulletins for every level I sex offender. *See* Resp'ts' Br. at 9. Citing only the allegations in their own complaint, respondents claim that the records at issue may include "psychological diagnosis, treatment information, [and] adolescent conduct reports" as a basis for asserting blanket confidentiality. Resp'ts' Br. at 2-3 (citing CP at 1645). This assertion mischaracterizes the evidence regarding the responsive records to Ms. Zink's request retained by the Patrol. The Patrol's public records officer declared that the database "includes the following information for currently registered sex offenders: (1) name; (2) residential address; (3) date of birth; (4) crime for which he or she was convicted; (5) date of conviction; and (6) county registered in." CP at 123. In terms of the sex offender registration source documents responsive to Ms. Zink's second public records request, respondents' counsel reviewed these records and made no mention of finding mental health information. CP at 235.

Apart from overstating the sensitivity of the records at issue, respondents ignore recent precedent that posting registered sex offender information on the internet does not constitute public shaming resulting in unconstitutional ex post facto punishment. Respondents rely on *U.S. Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749,

764, 109 S. Ct. 1468, 103 L. Ed. 2d. 774 (1989), for the proposition that disclosing the Patrol's database will result in significant harms to convicted sex offenders.³ Resp'ts' Br. at 17. Implicit in this argument is that RCW 4.24.550 must be read as an "other statute" in order to prevent such public "shaming" and ex post facto punishment.

However, both this Court and the United States Supreme Court have found that disclosing the fact of conviction is not the equivalent of public shaming or highly offensive personal information. *Meyer*, 142 Wn.2d at 620 ("The information disclosed to the public is largely, if not entirely, available from public sources like the court files on these individuals as well as their correctional release plans."); *Smith*, 538 U.S. at 101 ("Although the public availability of the information may have a lasting and painful impact on the convicted sex offender, these consequences flow not from the [Alaskan sex offender registration law's] registration and dissemination provisions, but from the fact of conviction, already a matter of public record."). As such, an agency passively responding to a public records request by producing the requested record

³ The decision in *Reporters Committee* addressed whether disclosure of criminal history information "rap sheets" in response to a Freedom of Information Act (FOIA) request were exempt under that statute's privacy exemption for certain law enforcement records. 489 U.S. at 755-56. "[U]nlike federal cases interpreting FOIA, the use of a test that balances the individual's privacy interest against the interest of the public in disclosure is not permitted [under the PRA]." *King Cnty. v. Sheehan*, 114 Wn. App. 325, 57 P.3d 307 (2002) (citations omitted) (internal quotation marks omitted).

is fundamentally different than the widespread community notifications authorized by RCW 4.24.550. Accordingly, respondents' argument regarding "public shaming" is irrelevant to whether RCW 4.24.550 is an "other statute" that exempts the Patrol's database from the PRA.

2. RCW 4.24.550's legislative history shows an intent to increase public access to sex offender information, not decrease access to public records.

Not only does respondents' argument conflict with RCW 4.24.550's plain language, it also ignores the fundamental legislative purpose driving the Community Protection Act – increasing public awareness of sex offenders to prevent horrific sex offenses. This Court “consider[s] ‘all that the Legislature has said in the statute and related statutes which disclose legislative intent about the provision in question.’” *Fisher Broad. v. City of Seattle*, 180 Wn.2d 515, 527, 326 P.3d 688 (2014) (quoting *Dep’t of Ecology v. Campbell & Gwinn, LLC*, 146 Wn.2d 1, 11, 43 P.3d 4 (2002)).

The Community Protection Act was prompted by the public outcry that followed the sexual assault and mutilation of a young boy. *See* David Boerner, *Confronting Violence: In the Act and in the Word*, 15 U. Puget Sound L.Rev. 525 (1992); CP at 61. In this context, one of the Legislature's goals was to increase the government's "willingness to

release information that could be appropriately released under the public disclosure laws[.]” Laws of 1990, ch. 3, § 116 (emphasis added).

As discussed above, the fact of a conviction has long been a matter of public record. RCW 4.24.550 was enacted to ensure public access to records relating to convicted sex offenders. The practical result of respondents' approach – construing RCW 4.24.550 as "an other" statute – is to reduce access to records showing that a person has been convicted of a sex offense. Accordingly, the legislative intent shows that RCW 4.24.550 is not an "other statute" that limits public access to the fact that an offender has been convicted of a sex offense.

B. The Permanent Injunction's Plain Language Impermissibly Enjoins The Patrol From Releasing Sex Offender Registration Records To Other Requestors.

The permanent injunction order does more than just declare that RCW 4.24.550 is an "other statute" and enjoin the Patrol from categorically disclosing the responsive records to Ms. Zink. The permanent injunction's third paragraph reads:

The WSP and WASPC may disclose "relevant and necessary" level I sex offender records in response to a request under RCW 4.24.550 by a member of the general public, after considering in good faith the offender's risk classification, the places where the offender resides or is expected to be found, and the need of the requestor to protect individual and community safety.

CP at 568-69. This paragraph addresses both: (1) sex offender registration records without limitation to class members; and (2) requests by members of the general public.

The third paragraph is not consistent with the court rules governing injunctions. CR 65(d) requires permanent injunctions to have specific terms. “A court order should be phrased in terms of objective actions, not legal conclusions.” *Sec. & Exch. Comm’n v. Goble*, 682 F.3d 934, 950 (11th Cir. 2012) (citations omitted) (internal quotation marks omitted). Here, the objective action the court ordered is that the Patrol not produce any level I sex offender registration record to any requestor without conducting RCW 4.24.550(2)'s balancing test.⁴ But that order exceeds the trial court's authority under RCW 42.56.540 – only the subject of the

⁴ Respondents appear to argue that the Patrol's requests in the motion to clarify would have injected ambiguity into the permanent injunction order. Resp'ts' Br. at 23-24. To the contrary, the motion asked the trial court to be clear as to the Patrol's duties under the permanent injunction. The Patrol's motion for clarification first asked for clarification whether, since the trial court had ruled that RCW 4.24.550 is the exclusive means to obtain sex offender registration records, the Patrol was then enjoined from responding to Ms. Zink's public records requests, similar to the way in which chapter 13.50 RCW is the exclusive means to obtain juvenile records. CP at 577-79. The Patrol also asked the trial court to clarify that the injunction was limited to the class members' registration records and Ms. Zink's requests. CP at 580-81.

In the alternative, if the permanent injunction applied to other requestors, the Patrol asked for clarification whether, since the trial court had ruled that RCW 4.24.550 is the exclusive means to obtain sex offender records, the Patrol therefore is precluded from producing those records in response to public records requests in the same way that the Department of Social and Health Services must provide juvenile records pursuant to chapter 13.50 RCW rather than in response to public records requests. CP at 582.

Since the motion was decided without oral argument, the Patrol submitted two proposed orders; the second was provided in the event the trial court granted the alternative relief. CP at 573 n. 1; KCLCR 7(b)(3), (b)(5)(C).

record may seek to enjoin production of his or her record, and the requestor is a necessary party to the action. *See Burt v. Dep't. of Corr.*, 168 Wn.2d 828, 231 P.3d 191 (2010). The trial court's order disregards those requirements.

Respondents claim that this language is merely guidance from the trial court. Resp'ts' Br. at 23. However, since filing their complaint, respondents have asked "off and on" for an injunction to prevent the Patrol from categorically producing level I sex offender registration records in response to any requestor. CP at 1018 (first amended complaint praying "[f]or a permanent injunction enjoining the [Patrol] from disclosing any and all Requested Records that constitute level I sex offender registration information except as permitted under RCW 4.24.550"); CP at 611-12 (Respondents opposing Patrol's request to limit injunction to Ms. Zink because it "could be misread to trump the declaratory ruling," but nonetheless claiming that respondents did not ask for injunctive relief for future requests, and suggesting that the Patrol seek a declaratory judgment on whether the order applies to future requests); Answer to Statement of Grounds at 2 ("the State of Washington may continue to release records of level I sex offenders pursuant to RCW 4.24.550 to the extent [it] believe[s] such disclosures are relevant and necessary."). At best, respondents' shifting positions show that paragraph three is ambiguous and the cited

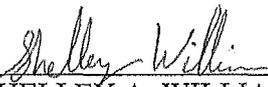
language is an impermissible advisory opinion. *See Diversified Indus. Dev. Corp. v. Ripley*, 82 Wn.2d 811, 815, 514 P.2d 137 (1973) (Unless the Uniform Declaratory Judgment Act, chapter 7.24 RCW applies, advisory opinions are prohibited).⁵ At minimum, this Court should remand this case to the trial court with instructions to remove paragraph three. This result will resolve the ambiguity, bring the injunction within the limits set by RCW 42.56.540, and affirm the rights of other requestors as set forth in *Burt*.

III. CONCLUSION

For these reasons, the Patrol respectfully requests this Court to find that RCW 4.24.550 is not an "other statute" that categorically exempts sex offender registration records from the PRA and reverse the trial court.

RESPECTFULLY SUBMITTED this 13th day of January, 2015.

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Attorney General



SHELLEY A. WILLIAMS,
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⁵ As a matter of law, a declaratory judgment cannot impact persons not a party to the litigation – such as other requestors that ask for sex offender registration records. RCW 7.24.110 (“no declaration shall prejudice the rights of persons not parties to the proceeding.”).

NO. 90413-8

**SUPREME COURT
OF THE STATE OF WASHINGTON**

JOHN DOE A, et al

v.

WASHINGTON STATE PATROL, et al.

DECLARATION OF
SERVICE

I, Toni Kemp, declare as follows:

On January 14, 2015, I sent via electronic mail, true and correct copies of Shelley A. Williams' Reply Brief of Appellant Washington State Patrol and Declaration of Service, postage affixed, addressed as follows:

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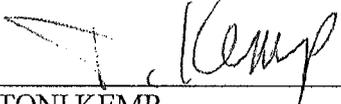
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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 14th day of January, 2015, at Seattle, Washington.



TONI KEMP
Legal Assistant

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Dear Sir or Madam:

Attached for filing, please find the Reply Brief of Appellant Washington State Patrol and the Declaration of Service.

Sincerely,

Toni Kemp, Legal Assistant to
Shelley A. Williams
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