

72159-3

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NO. 72159-3-I

COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION I

JANE DOES 1-15, et al.,

Appellants,

v.

KING COUNTY, et al.,

Respondents.

FILED  
COURT OF APPEALS DIV I  
STATE OF WASHINGTON  
2015 MAY 20 PM 3:11

**BRIEF OF RESPONDENT KING COUNTY**

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ORIGINAL

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A. INTRODUCTION

In the aftermath of the June 5, 2014, shooting on the Seattle Pacific University (SPU) campus the King County Prosecuting Attorney's Office (PAO) and the Seattle Police Department (SPD) received public records requests for criminal investigation records, including surveillance videos obtained from SPU.

The surveillance videos include a three minute video which shows Aaron Ybarra pointing a rifle at one student and shooting another, and another 19 DVDs of surveillance videos from various cameras on the SPU campus. The SPU student victims and witnesses in the three minute video indicted a desire for non-disclosure of their identities. Additional victims and witnesses in the other videos also indicated a desire for non-disclosure. Based on the desire of these witnesses and victims, the PAO and SPD proposed to release the videos while pixilating the faces of those victims and witnesses who requested non-disclosure.

The Appellants filed two motions for preliminary injunction in the trial court. The trial court denied the first motion which sought to enjoin release of the three minute video. The trial court also denied the second motion regarding the remaining videos, with the exception that the court ordered further redactions on one of the

videos. Appellants have appealed each order and these matters have been consolidated.

B. ISSUE

1. SHOULD THE TRIAL COURT'S TWO ORDERS DENYING APPELLANTS' MOTIONS FOR PRELIMINARY INJUNCTION BE AFFIRMED?

C. STATEMENT OF THE CASE

Appellant students' statement of the case accurately summarizes the factual aspects of the case.

D. ARGUMENT

The PAO and SPD continue to investigate the shooting that occurred at SPU on June 5, 2014. The PAO does not believe that nondisclosure of the videos is essential to preserve the integrity of this investigation.

The PAO determined the facial images of certain victims and witnesses on the videos are exempt from disclosure under RCW 42.56.240(2), but that the remainder of the videos must be released.

The PAO recognizes, however, that this is a case of first impression in Washington. There is no reported Washington case brought by victims or witnesses of crime seeking to enjoin the release of their images.

E. CONCLUSION

The PAO respectfully requests that the Court review the videos and determine whether the videos are exempt from disclosure under the Public Records Act.

DATED this 20<sup>th</sup> day of May, 2015.

Respectfully submitted,

DANIEL T. SATTERBERG  
King County Prosecuting Attorney

By:   
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Senior Deputy Prosecuting Attorney  
Attorneys for King County

IN THE COURT OF APPEALS FOR  
THE STATE OF WASHINGTON  
DIVISION I

JANE DOES 1 through 15 and JOHN  
DOES 1 through 15, victims of and  
witnesses to the June 5, 2014 Seattle  
Pacific University shooting, and  
SEATTLE PACIFIC UNIVERSITY, a  
Washington  
nonprofit corporation,

Appellants,

v.

KING COUNTY, a legal subdivision of  
the State of Washington, CITY OF  
SEATTLE, a Washington municipal  
corporation, TRIBUNE  
BROADCASTING SEATTLE, LLC  
and its affiliates, d/b/a KCPQ-TV and  
Q13 FOX, a Delaware corporation,  
KIRO-TV, INC. and its affiliates, d/b/a  
KIRO NEWS and KIRO TV, a  
Delaware corporation, SINCLAIR  
SEATTLE, LICENSEE, LLC, and its  
affiliates, d/b/a KOMO TV and KOMO  
4, a Nevada corporation, KING  
BROADCASTING COMPANY and its  
affiliates, d/b/a KING 5 TELEVISION,  
a Washington corporation, ARTHUR  
WEST, a Washington resident, JOHN  
DOE MEDIA ORGANIZATIONS 1  
through 100,

Respondents.

No. 72159-3-I

CERTIFICATE OF SERVICE

FILED  
COURT OF APPEALS DIV I  
STATE OF WASHINGTON  
2015 MAY 20 PM 3:11

1. I am a legal secretary employed by King County Prosecutor's Office, am over the age of 18, am not a party to this action and am competent to testify herein.
2. On May 19<sup>th</sup>, 2015, I did cause to be delivered by email and U.S. First Class mail a true copy of the Brief of Respondent King County and this Certificate of Service to the following:

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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.

RESPECTFULLY SUBMITTED this 20<sup>th</sup> day of May, 2015.

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