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Appeals court: SPD must pay \$150,000 in public records case

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A state appeals court has unanimously upheld a judge's award of more than \$150,000 to a man who was improperly denied public records by the Seattle Police Department.

In [a 3 to 0 decision](#), the court found that King County Superior Court Judge Richard Eadie did not abuse his discretion in granting a penalty of nearly \$20,000 and \$132,585 in attorney fees sums to Turner Helton, who sought records relating to an excessive-force complaint he brought against officers.

"While the per diem penalty and the award of attorney fees may not be in amounts we would have imposed, the trial court nevertheless did not abuse its discretion in imposing a \$45 per day penalty and in its award of attorney fees," Appeals Court Judge C. Kenneth Grosse wrote for the court in an opinion issued Monday.

In appealing Eadie's ruling, the City Attorney's Office argued he abused his discretion. The office is reviewing the appellate ruling, a spokeswoman said.

In Helton's case, he alleged that officers used excessive force after they were dispatched to his Sodo District business in November 2009 in response to a report from his health insurer that he might be suicidal.

Helton had called his insurer to complain about its refusal to pay for a prescription and, according to his lawyer, made an offhand remark that if he wasn't given the drug he "might as well die now."

Helton maintained officers roughed him up while subduing him, then called a private ambulance to take him to Harborview Medical Center for a psychiatric examination. Staff there found no reason to detain him, according to court records, and he was never criminally charged.

Helton filed a complaint with the Police Department over the officers' conduct.

After being informed by the department that no misconduct had been found, he asked for records related to the internal inquiry.

[Eadie ultimately found](#) the department gave “too short of shrift” to Helton’s request, but that it had not acted in bad faith in failing to produce the records in a timely fashion.

The judge also noted a need “to tell agencies other than Seattle Police Department and to tell the public that they can trust that the agencies will recognize this important duty to administer the public disclosure laws in good faith.”

Helton, who was 72 at the time Eadie ruled on the legal costs in November 2011, has not made a final decision concerning a civil rights suit against the Police Department, according to Seattle attorney Mike McKay, whose firm is representing Helton.