

Editorial: Bill making mug shots public should be adopted

By an encouragingly comfortable 77-19 margin, the Washington House of Representatives has passed legislation to restore a measure of access to public records that the Washington state Supreme Court closed more than a decade ago.

Now, if Substitute House Bill 1689 receives similar acceptance in the Senate and wins the governor's signature, booking photos of jail inmates charged with crimes will again be public records. That's the way it is in many other states, and that's the way it once was in Washington.

As it is, jails in Washington must maintain a register that lists who is booked, why and when he or she is released. By law, the register is a public record, accessible to citizens who want that information. But the mug shots taken at the time of booking are treated differently because they are considered part of law enforcement's investigative records and thus exempt from open records laws.

That didn't used to stop jail personnel from making those photos available to requesters, usually news reporters who wanted to give readers and viewers pictures to go along with the names contained in crime stories. Pictures are one way to clear up confusion over the identity of people with similar names. Or they help citizens recognize the stranger who's been hanging around the neighborhood playground.

Or maybe they reveal the inmate as a prominent community member, which is what happened in 1997 in Spokane, where an assistant city attorney was arrested for driving under the influence, leaving the scene of an accident and attempted assault.

Whereas release of booking photos had been common up till then – and was done on the same day for a couple of other arrestees – police denied a Spokesman-Review reporter's routine request for the attorney's picture. Protests ensued, followed by two years of litigation, before the state Supreme Court ruled that booking photos are indeed exempt from public records laws.

According to a bill report prepared by House staff, Washington is one of only two states west of the Mississippi where that's the case.

Hopeful as this month's House vote was, there are more ways for legislation to die than just by being voted down. Legislative committees can be black holes where meritorious bills disappear.

A hearing scheduled Monday in the Senate Government Operations Committee is the bill's crucial next step. In the name of open government, SHB 1689 deserves favorable treatment by the committee, the full Senate and eventually the governor.