

Washington Supreme Court to hear case about Seattle officers who attended D.C. rally before U.S. Capitol attack

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Demonstrators steal a Metropolitan Police riot shield outside the U.S. Capitol building during a protest in Washington on Jan. 6, 2021. (Eric Lee / Bloomberg)



By [Lewis Kamb](#)

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Describing the matter as “an issue of considerable public interest,” a Washington state Supreme Court commissioner ruled this week that the state’s highest court will decide

the legal battle over the public disclosure of records identifying four Seattle police officers who attended a pro-Trump rally before January's attack on the U.S. Capitol.

Commissioner Michael Johnston, in [a five page ruling](#) Wednesday, granted petitioner Sam Sueoka's motion to transfer the case — pending before Washington's Court of Appeals since March — to the state's Supreme Court.

It is "abundantly clear that whether the identity of these officers should be revealed is an issue of considerable public interest," Johnston wrote in his ruling.

"The aftershocks of the attack on the Capitol are still being felt, and they touch on fundamental questions regarding the intersection of law enforcement, politics, our democratic institutions and racial and social justice ... This context lends urgency to this dispute."

Johnston's ruling follows a hearing Friday in which lawyers for four Seattle police officers and Sueoka, a Seattle University law student who requested public records about them, argued over which court should handle the matter.

The legal fight was sparked by six officers who faced an internal department investigation for attending the so-called "Stop the Steal" rally in January.

In February, the officers, identified in pleadings only as Jane and John Does, 1 through 6, sued to block release of police personnel and investigative records to Sueoka and three others, who separately had requested the records under the state's Public Records Act. The city of Seattle voluntarily notified the officers it was prepared to release the records if they didn't get a court order to stop it.

After a King County judge [ruled in March that records identifying the officers must be disclosed](#), the officers challenged that ruling in the state appeals court, which stayed the order during that appeal. Sueoka's attorneys later petitioned for the case to be transferred directly to the Supreme Court for review.

Before Johnston heard arguments over the transfer motion, Seattle's Office of Police Accountability [released findings of a detailed six-month investigation](#). It found two of the officers had trespassed on restricted grounds outside the Capitol during an "active insurrection," then later downplayed and likely lied to OPA investigators about their conduct.

The accountability office recommended both officers be fired for breaking the law, violating Seattle Police Department policy and unprofessional conduct. Interim police Chief Adrian Diaz is expected to decide final discipline for the two officers this month.

Three of the other four officers were cleared of allegations of unprofessional conduct and did not break any laws, the investigation found. Evidence wasn't conclusive as to whether the fourth officer broke any rules or laws.

The OPA findings did not identify any of the officers by name, but a department source familiar with the investigation previously confirmed the names of all six officers to The Seattle Times. Based on the OPA findings, The newspaper identified the officers with sustained allegations as Alexander Everett and Caitlin Rochelle, a married couple who have worked patrol since October 2017.

A day after the OPA released its findings, lawyers hired by the Seattle Police Officers' Guild to represent the six officers [formally sought to withdraw](#) from the public-records case.

The attorneys largely had pinned legal arguments in the appeal on case law indicating that records identifying an officer could be released publicly only if and when an internal investigation was completed and with substantiated allegations.

Another lawyer, Aric Sana Bomztyk, has since been hired to represent only the four officers who weren't found in violation by the OPA investigation.

On Friday, Bomztyk argued to Johnston that, because the OPA already had released findings, the matter no longer was a "fundamental and urgent issue of broad public import" — a requirement for transferring the case to the Supreme Court.

"The public knows what it needs to know at this time in regards to this investigation," Bomztyk said. "The question of whether their names need to be released is simply not urgent."

But Neil Fox, a lawyer for Sueoka, contended a 10-year-old Supreme Court ruling the officers relied upon to argue their identities shouldn't be disclosed was an unclear split-decision that needed the court's clarification.

"We have active police officers going to Washington D.C., to participate in an extremist demonstration that was intended by the president to be an assault on democracy," Fox said. " ... The public has the right to know the names of the officers."

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