

SUPREME COURT OF THE STATE OF WASHINGTON

John Doe A v. Wash. State Patrol, 185 Wn. 2d 363

374 P.3d 63 (2016) · No. 90413-8 · Decided April 7, 2016

SUMMARY

The Washington Supreme Court considered whether RCW 4.24.550, concerning dissemination of registered sex offender information, constituted an “other statute” exemption under the Public Records Act. The court held that the statute did not expressly prohibit or exempt the blanket release of level I sex offender registration information in response to a public records request and reversed the trial court’s injunction. The court also held that the requester was not entitled to attorney fees, costs, or penalties.

CASE DETAILS

COURT	Supreme Court of the State of Washington
WRITING FOR THE COURT	Madsen, C.J.; Gonzalez, J.; Wiggins, J.; Gordon McCloud, J.; Yu, J.
JURISDICTION	Washington
DECIDED	April 7, 2016
DOCKET	90413-8
DISPOSITION	reversed
PROCEDURAL POSTURE	Third parties whose records were sought under the Washington Public Records Act filed consolidated class actions seeking to enjoin disclosure. The trial court granted summary judgment and a permanent injunction in favor of the John Does. Donna Zink and the Washington State Patrol appealed directly to the Washington Supreme Court.
STANDARD OF REVIEW	De novo review applies to actions under the Public Records Act and its injunction statute, RCW 42.56.540. Statutory interpretation questions are also reviewed de novo.
PRECEDENTIAL VALUE	published precedential Washington Supreme Court en banc opinion
PARTIES	Donna Zink, Washington State Patrol, Washington Association of Sheriffs and Police Chiefs v. John Doe A, John Doe B, John Doe C, John Doe D, John Doe E, John Doe F

TOPICS

statutory interpretation

administrative law

judicial review of agency action

injunctions

civil procedure

PRACTICE AREAS

Washington public records law

administrative law

statutory interpretation

civil procedure

injunctive relief

QUESTIONS PRESENTED

1. Whether RCW 4.24.550, particularly RCW 4.24.550(3)(a), is an "other statute" under RCW 42.56.070(1) that exempts level I sex-offender registration information from disclosure under a Public Records Act request.
2. Whether Zink was entitled to attorney fees, costs, or statutory penalties after prevailing on the disclosure issue against private parties rather than against an agency.

HOLDINGS

1. RCW 4.24.550, including RCW 4.24.550(3)(a), is not an "other statute" under RCW 42.56.070(1) because it does not expressly prohibit or exempt the requested level I sex-offender registration records from disclosure. The records therefore are subject to disclosure under a Public Records Act request.
2. Zink was not entitled to attorney fees, costs, or per diem penalties under the Public Records Act because she prevailed against private parties seeking to prevent disclosure, not against an agency.

KEY QUOTATIONS

"The 'other statute' exemption 'applies only to those exemptions explicitly identified in other statutes; its language does not allow a court 'to imply exemptions but only allows specific exemptions to stand'." (185 Wn. 2d at 374)

"The PRA, and our case law surrounding it, demands that an 'other statute' exemption be explicit. Where the legislature has not made a PRA exemption in an 'other statute' explicit, we will not." (185 Wn. 2d at 385)

FACTUAL BACKGROUND

Donna Zink made three public-records requests seeking sex-offender registration information, including the Washington State Patrol's Sex and Kidnapping Offender Database, related correspondence, and registration forms and files. The requested records concerned level I offenders, classified as least likely to reoffend. The Washington State Patrol and Washington Association of Sheriffs and Police Chiefs intended to release the records, but the affected offenders sought injunctions to prevent disclosure. The trial court ruled that RCW 4.24.550 provided the exclusive mechanism for disclosure of the records and enjoined blanket production.

PROCEDURAL HISTORY

Zink submitted public-records requests to the Washington State Patrol and the Washington Association of Sheriffs and Police Chiefs for level I sex-offender registration information. The agencies intended to release the records, but the affected John Does filed actions under RCW 42.56.540 to enjoin disclosure. The trial court consolidated the actions, certified classes, granted the John Does summary judgment, declared the records

exempt under the Public Records Act, and entered a permanent injunction. The Washington Supreme Court granted direct review and reversed.

DISPOSITION

reversed

REMAND INSTRUCTIONS

No substantive remand instructions were given. The trial court's judgment and injunction were reversed, and the request for fees, costs, and penalties was denied.

CASES CITED

- Spokane Police Guild v. Wash. State Liquor Control Bd., 112 Wn. 2d 30, 769 P.2d 283 (1989)
- Ameriquest Mortg. Co. v. Office of Att'y Gen., 177 Wn. 2d 467, 300 P.3d 799 (2013)
- Dragonslayer, Inc. v. Wash. State Gambling Comm'n, 139 Wn. App. 433, 161 P.3d 428 (2007)
- Progressive Animal Welfare Soc'y v. Univ. of Wash., 125 Wn. 2d 243, 884 P.2d 592 (1994)
- Henne v. City of Yakima, 182 Wn. 2d 447, 341 P.3d 284 (2015)
- Dawson v. Daly, 120 Wn. 2d 782, 845 P.2d 995 (1993)
- Hearst Corp. v. Hoppe, 90 Wn. 2d 123, 580 P.2d 246 (1978)
- City of Lakewood v. Koenig, 182 Wn. 2d 87, 343 P.3d 335 (2014)
- Ameriquest Mortg. Co. v. Office of Att'y Gen., 170 Wn. 2d 418, 241 P.3d 1245 (2010)
- Hangartner v. City of Seattle, 151 Wn. 2d 439, 90 P.3d 26 (2004)
- In re Rosier, 105 Wn. 2d 606, 717 P.2d 1353 (1986)
- Brouillet v. Cowles Publ'g Co., 114 Wn. 2d 788, 791 P.2d 526 (1990)
- Planned Parenthood of Great Nw. v. Bloedow, 187 Wn. App. 606, 350 P.3d 660 (2015)
- Wright v. State, 176 Wn. App. 585, 309 P.3d 662 (2013)
- Deer v. Dep't of Soc. & Health Servs., 122 Wn. App. 84, 93 P.3d 195 (2004)
- Fisher Broad.-Seattle TV LLC v. City of Seattle, 180 Wn. 2d 515, 326 P.3d 688 (2014)
- Limstrom v. Ladenburg, 136 Wn. 2d 595, 963 P.2d 869 (1998)
- Ford Motor Co. v. City of Seattle, 160 Wn. 2d 32, 156 P.3d 185 (2007)
- Graham v. State Bar Ass'n, 86 Wn. 2d 624, 548 P.2d 310 (1976)
- State ex rel. Tattersall v. Yelle, 52 Wn. 2d 856, 329 P.2d 841 (1958)
- State v. Ward, 123 Wn. 2d 488, 869 P.2d 1062 (1994)
- Smith v. John Doe, 538 U.S. 84, 123 S. Ct. 1140, 155 L. Ed. 2d 164 (2003)
- Confederated Tribes of Chehalis v. Johnson, 135 Wn. 2d 734, 958 P.2d 260 (1998)