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IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

JOHN DOE A, a minor by and through his
legal guardians Richard Roe and Jane Roe; and
JOHN DOE B, a married man; as individuals
and on behalf of others similarly situated;

Plaintiffs,

v.

WASHINGTON STATE PATROL, an agency
of the State of Washington;

Defendant.

No. _____

**CLASS ACTION COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

Plaintiffs, by and through their attorneys of record, bring this Class Action Complaint for Declaratory and Injunctive Relief on behalf of themselves and all those similarly situated within the State of Washington, and allege as follows:

I. PARTIES

Proposed Class Representatives

1.1 Richard Roe and Jane Roe are the legal guardians to John Doe A, who at all times material hereto was a minor and resident of King County, State of Washington.

1.2 John Doe B, a married man, was, at all times material hereto a resident of King County, State of Washington.

1 voluminous nature of this request and indicated that the WSP could produce the Sex and
2 Kidnapping Offender Database by December 10, 2013. A copy of a declaration from the
3 responding WSP employee filed in another proceeding is attached hereto.

4 3.10 Upon information and belief, Ms. Zink thereafter modified her request to seek “a
5 copy of the Sex Offender Registry Database rather than individual registration forms” (referred
6 to herein as the “Requested Records”).

7 3.11 The WSP has represented that it intends to produce the Requested Records by
8 December 10, 2013.

9 3.12 The WSP has represented that there are approximately 21,000 individuals
10 included in the Sex and Kidnapping Offender Database (the “Database”). Upon information
11 and belief, the WSP did not notify any subjects or individuals named in the Requested Records
12 about the public records request or the impending release of the Requested Records.

13 3.13 Upon information and belief, the Requested Records include information
14 regarding all level I sex offenders in the State of Washington, including those who are in
15 compliance with their registration and including juveniles. Upon information and belief, the
16 Requested Records include *inter alia*, names, complete and accurate residential addresses,
17 crimes, and photographs of level I sex offenders, including persons in compliance with their
18 registration obligations, who would not otherwise be subject to mandatory public disclosure.

19 3.14 Upon information, the WSP intends to release the Requested Records pursuant
20 to the PRA and without conducting the mandatory individualized determinations necessary for
21 permissive disclosure of level I sex offender records pursuant to RCW 4.24.550. Upon
22 information and belief, the WSP does not consider sex offender registration records exempt
23 from the PRA.

24 3.15 Upon information and belief, Ms. Zink intends to use the Requested Records, in
25 whole or in part, to post on a website available to the general public information, including
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1 addresses, regarding all level I sex offenders in the State of Washington, including those who
2 are in compliance with their registration, and including juveniles.

3 3.16 Plaintiffs and the proposed Class will be substantially and irreparably damaged
4 by the release of the Requested Records.

5 IV. CLASS ACTION ALLEGATIONS

6 4.1 Class Definition: Pursuant to Civil Rule 23(b)(2), Plaintiffs bring this case as a
7 class action on behalf of the Class defined as follows:

8 All individuals who are named in the Washington State Patrol's Sex and Kidnapping
9 Offender Database, classified at risk level I, and in compliance with the conditions of
10 registry.

11 4.2 Exclusions from Class: Excluded from the Class are Defendants' legal
12 representatives, assignees, and successors. Also excluded are the judge to whom this case is
13 assigned and any member of the judge's immediate family.

14 4.3 Numerosity: Plaintiff believes there are hundreds, if not thousands, of members
15 in the Class and that these members are geographically dispersed throughout the State of
16 Washington, likely unaware of the controversy underlying this action, and unable or reluctant
17 to sue individually. The members of the class are so numerous that joinder of all members is
18 impracticable. Moreover, the disposition of the claims of the Class in a single action will
19 provide substantial benefits to all parties and the Court.

20 4.4 Commonality: There are numerous questions of law and fact common to
21 Plaintiffs and members of the Class. These questions include, but are not limited to, the
22 following:

- 23 A. Whether RCW 4.24.550 is an "other statute" exempting records related to
24 level I offenders from the PRA under RCW 42.56.070;
- 25 B. Whether the records of Class Members can be released in response to a request
26 under the Public Records Act, absent compliance with RCW 4.24.550;

1 C. Whether RCW 4.24.550 requires the WSP to determine that information
2 relating to level I sex and kidnapping offenders is “relevant and necessary”
3 and to consider “(a) The level of risk posed by the offender to the community;
4 (b) the locations where the offender resides, expects to reside, or is regularly
5 found; and (c) the needs of the affected community members for information
6 to enhance their individual and collective safety.”;

7 D. Whether the above determination must be made individually as to each
8 individual offender;

9 E. Whether “blanket” or categorical disclosure of all level I offenders named in
10 the Database violates RCW 4.24.550;

11 F. Whether “blanket” disclosure of all level I sex offender information in the
12 Database, under the PRA, will result in immediate and irreparable harm to any
13 person;

14 G. Whether “blanket” disclosure of all level I sex offender information in the
15 Database, in response to a request under the PRA, is in the public interest; and

16 H. Whether the Court should issue a temporary or permanent order enjoining
17 release of the Requested Records naming members of the Class by the WSP.

18 4.5 Typicality: Plaintiffs’ claims are typical of the claims of the Class. Plaintiffs’
19 claims, like the claims of the members of the Class, arise out of the same conduct by
20 Defendants and are based on the same legal and remedial theories.

21 4.6 Adequacy: Plaintiffs will fairly and adequately protect the interests of the
22 Class. Plaintiffs have retained competent and capable attorneys who have significant
23 experience in litigation under the Public Records Act and with complex class action litigation.
24 Plaintiffs and their counsel are committed to prosecuting this action vigorously on behalf of the
25 Class and have the financial resources to do so. Neither Plaintiffs nor their counsel have
26 interests that are contrary to or that conflict with those of proposed Class.

1 comprehensive disclosure scheme set forth at RCW 4.24.550. Plaintiffs assert that RCW
2 4.24.550 requires an individualized determination as to the information that may be disclosed
3 as to each individual level I sex offender.

4 6.3 Actual and justifiable controversies exists between Plaintiffs and Defendant as
5 to whether level I sex offender registration records are exempt from disclosure under RCW
6 42.56.070 of the PRA.

7 VII. PRAYER FOR RELIEF

8 WHEREFORE, Plaintiffs hereby pray for judgment against Defendant as follows:

- 9 A. For certification of a class as defined above;
- 10 B. For appointment of Plaintiffs as representatives of the certified class;
- 11 C. For appointment of the American Civil Liberties Union of Washington
12 Foundation and the law firm of Corr Cronin Michelson Baumgardner & Preece
13 LLP as counsel for the certified class;
- 14 D. For a permanent injunction enjoining the WSP from disclosing any and all
15 Requested Records that constitute level I sex offender registration information,
16 except as permitted under RCW 4.24.550;
- 17 E. For a declaratory judgment, under RCW 7.24.010, that level I sex offender
18 registration records are exempt from disclosure under RCW 42.56.070;
- 19 F. For leave to amend these pleadings to conform to the evidence presented at trial;
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2 G. For such other and further relief as the Court deems just and equitable.

3 DATED this 6th day of December, 2013.

4
5 CORR CRONIN MICHELSON
BAUMGARDNER & PREECE LLP

6
7 s/ Steven W. Fogg
8 Steven W. Fogg, WSBA No. 23528
9 Katrina Kleinwachter Fortney, WSBA No. 44007
10 1001 Fourth Avenue, Suite 3900
11 Seattle, WA 98154-1051
12 (206) 625-8600 Phone
13 (206) 625-0900 Fax
14 sfogg@corrchronin.com
15 kfortney@corrchronin.com

16 AMERICAN CIVIL LIBERTIES UNION
17 OF WASHINGTON FOUNDATION

18
19 s/ Vanessa T. Hernandez
20 Sarah A. Dunne, WSBA No. 34869
21 Vanessa T. Hernandez, WSBA No. 42770
22 901 Fifth Avenue, # 630
23 Seattle, WA 98164
24 dunne@aclu-wa.org
25 vhernandez@aclu-wa.org
26 (206) 624-2184 Phone
(206) 624-2190 Fax
Attorneys for Plaintiffs