

**PUBLIC RECORDS EXEMPTIONS ACCOUNTABILITY COMMITTEE
(Sunshine Committee)**

Minutes of Meeting
May 18, 2010
Olympia, Washington

Members Present: Tim Ford, Patience Rogge, Rowland Thompson, Ken Bunting, Frank Garred, Ramsey Ramerman, Senator Adam Kline, Roselyn Marcus, Senator Pam Roach

Members Absent: Chair Tom Carr, Representative Jay Rodne, Representative Lynn Kessler

Staff present: Mary Tennyson, legal counsel; Ruthann Bryant, support staff

1) Call to Order

Vice Chair Tim Ford called to order the meeting of the Public Records Exemptions Accountability Committee at 9:12 a.m. on May 18, 2010, at the John A. Cherberg Building, Rooms ABC, Olympia, WA.

Vice Chair Tim Ford invited committee members and staff to introduce themselves.

2) Adoption of Agenda

Motion: To adopt the agenda for the **May 18, 2010**, Sunshine Committee Meeting. Moved by Rowland Thompson, seconded by Patience Rogge, approved unanimously.

3) Final Minutes for March 23, 2010 Sunshine Committee Meeting

Motion: Approve the March 23, 2010 minutes with the amendment to reflect that Frank Garred is not the Chair as shown on page 1 of the agenda. Moved by Ramsey Ramerman, seconded by Patience Rogge. Approved unanimously.

4) RCW 70.48.100 – Recommendation to amend statute to make booking information more available

Rowland Thompson provided background on booking photos and a summary of legislation introduced this year which would allow photos to be made available. Mr. Thompson would like to open discussion and hold until a future meeting to allow law enforcement agencies to react and provide input.

Public comment:

Doug Klunder, Privacy Counsel for the ACLU of Washington: Commented that the Supreme Court provided a unanimous decision to exempt booking photos and added that not releasing the photos protects both the privacy and the rights

of the accused to receive a fair trial. He urged the committee not to support the release of photos since there is nothing to be gained but throwing a person out for public shame.

Craig Adams, Pierce County Deputy Prosecuting Attorney: Supports the ACLU's comments and noted that all photos can be released through consent. Mr. Adams also stated that he has no issue with other items in the recommendation.

Arthur West: Commented that not releasing booking photos is a way for law enforcement to hide things from the public and the media. He supports the release of booking photos.

Motion: Table until the August 17, 2010 meeting. Moved by Rowland Thompson, seconded by Patience Rogge. Approved unanimously.

5) Resolution on Public Records related to Attorney-Client privilege

Motion: Untable for discussion. Moved by Frank Garred, seconded by Patience Rogge. Approved unanimously.

Mr. Garred presented an amendment to the Washington State Public Records Act RCW 42.56.290 and by reference to RCW 5.60.060(2), related to attorney-agency work product and attorney-client communications since the earlier Sunshine Committee recommendation to the legislature had not been adopted.

Senator Kline noted that the Committee discussed the issue at length two years ago in Spokane and stated that it would subject the public to more discovery but not private. He urged the committee to vote down the recommendation.

Public comment:

Don Austin: Commented that the recommendation could lead to a situation where an attorney may choose not to put things in writing and things will not be done as effectively. He urged the committee not to accept the proposal.

Arthur West: Supports the concept but not the current proposal. He added that the attorney-client exemption is one of the most abused and suggested the committee keep working on the proposal.

Motion: Following Committee discussion, the Committee appoints, Frank Garred, Ramsey Ramerman and Senator Adam Kline to a subcommittee to receive further analysis on proposals, set a schedule in accordance with the Open Public Meetings Act and make recommendations to the full committee. Seconded by Ramsey Ramerman. Motion passed (6-2).

6) Insurance-related exemptions Items 49 through 62 on Schedule of Review (materials originally presenting in May, 2009)

Mary Tennyson provided background and an update on Insurance related exemptions since first discussed in May of 2009.

There was no public comment on this agenda item.

Motion: Rowland Thompson moved to retain Insurance Exemptions Item 40 through 62 on the Schedule of Review as written, seconded by Patience Rogge. Motion passed (7-1).

7) Court Appointed Special Advocates (Senator Roach)

This item was originally submitted for the October 14, 2008 meeting. Senator Roach summarized the background regarding CASA's and Guardian ad Litem and discussed current case history that raises questions about the CASA program.

Public comment:

Thomas Burke, Chair, Board of Directors, Washington State Association of CASA/GAL programs: Commented that everyone is concerned about the safety of children and noted that CASA's do not have authority to place children, only to make recommendations. He urged the committee to reject the resolution.

Motion: Following discussion, Senator Kline moved to recommend to the Legislature that RCW 13.34.100 disclose:

1. Whether or not a person served as a CASA in another state, if so, the location and duration;
2. Their connection with another organization and/or association involved in the placement of children;
3. Any complaint made to a court or to the dependency CASA organization unless proven false.

Seconded by Ken Bunting. Senator Kline withdrew motion.

Ken Bunting reinstated motion, seconded by Ramsey Ramerman. Rowland Thompson requested an amendment to add a line to 13.34.100(3) to make information within (3) available to the public, seconded by Patience Rogge. Amendment accepted. **Call to question ~ carried unanimously.**

Next meeting: Tuesday, August 17, 2010

Vice Chair Tim Ford adjourned the meeting at 1:00 p.m.