

2018 Legislative Priorities

Washington Coalition for Open Government has established the following priorities for legislative action during the 2018 session. The Coalition encourages its members and concerned citizens throughout Washington to contact members of the Legislature and encourage their support for these priorities.

1. Police Body-Worn Camera Recordings. The legislature should adopt permanent statewide provisions for the collection, retention, and disclosure of body-worn camera recordings. Exemptions to disclosure should be narrow, and consistent with existing protections provided in the Public Records Act for personal privacy and law enforcement investigative needs. Agencies should provide body-worn camera videos at reasonable cost, using best-available redaction and production technology. To assure compliance with the PRA, requesters who prevail in court to obtain access to body-worn camera videos must be entitled to recover fees, costs, and penalties as they would for other types of public records.

2. Treat Legislative Records Like Other Public Records. Records of the legislature, including those of individual legislators and legislative branch agencies, should be subject to retention and disclosure the same as records of other agencies subject to the Public Records Act, with no special exclusions from the definition of “public record”. If provision is needed for

withholding of some information, the legislature should enact specific narrowly-crafted exemptions from disclosure rather than broadly excluding legislative records from the provisions of the PRA.

3. Recovery of Fees and Costs for Actions to Enjoin Release of Records. A third party who brings an action under RCW 42.56.540 or other action to enjoin release of records should be required to pay the attorney fees and court costs of the original records requester if the requester prevails in court.

4. Stakeholder Process to Update OPMA. Conduct a broad stakeholder process, like that done in 2016 for the Public Records Act, to propose updates to the Open Public Meetings Act. The task force should consider topics such as recording of executive sessions, opening committee and task force meetings, opening collective bargaining sessions to the public, improving notice of special meetings, creating a statewide open public meetings portal, clarifications based on court decisions, and other proposals, and submit recommendations to the 2019 legislature for consideration.

The following additional items of concern to open government advocates will be also be supported:

- Approve legislation proposed by the Sunshine Committee that received unanimous support.
- Voluntary alternative dispute resolution for PRA and OPMA cases that is faster and less expensive than superior court, and does not impair plaintiff’s ability to choose to file a suit or receive penalties if they prevail.
- Require exemptions to the PRA to be contained within or referenced from RCW 42.56.
- Create an exemption in the PRA for audio and video recordings of lawfully-closed meetings.
- Create a private right of action under the PRA for improper destruction of public records.
- Prevent agencies from initiating litigation against public records requesters.
- Clarify that agencies cannot escape PRA penalties by leaving a request open indefinitely.
- Amend the state constitution to eliminate any notion of “Executive Privilege” under the PRA.
- Restore the original intent of the attorney-client communications exemption in the PRA.
- Improve transparency of tax preferences by releasing records of uses of such preferences.
- Oppose weakening of the PRA through changes in process or expansion of exemptions.
- Require an opportunity for public comment before final action is taken under the OPMA.
- Agencies violating the OPMA should be penalized even without proof of knowledge of illegality.