

Optional Notice That Record is To Be Released

This letter is intended to notify the person named in a record and allow them to seek to enjoin the release of the document, an option available pursuant to RCW 42.17.330. Letter to subject of investigation in which the prosecutor has declined to file charges. This letter is better to be signed by the prosecuting attorney, not the public records officer.

John R. Smith
Yourtown, WA

Re: Public Record Request

Dear Mr. Smith:

On [date] we received a request for the police investigation file concerning a 911 call that occurred on [date].

We have consulted with the criminal division of this office and learned that a decision has been made not to file charges in connection with the incident.

Upon making the decision not to file charges, the police investigation file becomes a public record. *Cowles Publishing Co. v. Spokane Police*, 139 Wn.2d 472, 987 P.2d 62 (1999). We are required by the Public Disclosure Act, Chapter 42.17 of the Revised Code of Washington, to provide public records.

We have obtained a copy of the police report and consistent with law, redacted the name of victims and other personal and identifying information that is not subject to disclosure. A copy of the report we intend to release is enclosed. Pursuant to RCW 42.17.330, you may request that the court enjoin the release of the document for the reasons set forth in the statute. If you intend to seek court review, you must do so promptly, as we intend to make the document available in ten (10) days.

Please call if you have any questions concerning our response.

Very truly yours,

Prosecuting Attorney

c: Public Records Officer
Department Head