

1 HONORABLE SANDRA WIDLAN
2 Noted for 11 a.m. January 23, 2026
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SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN THE COUNTY OF KING

10 SEATTLE TIMES COMPANY,

11 Plaintiff,

12 v.

13 CITY OF SEATTLE,

14 Defendant.

15 NO: 25-2-00616-6 SEA

16 DECLARATION OF ERICA BARNETT
17 IN SUPPORT OF PLAINTIFF'S MOTION
18 FOR SUMMARY JUDGMENT

19 I, Erica Barnett, declare as follows:

20 1. I am over the age of 18 and competent to testify. I make the following
21 statements based on my personal knowledge.

22 2. I am a journalist in Seattle. Currently, I am the editor and publisher of
23 PubliCola.com, a paywall-free website primarily covering local news in Seattle. I have
24 been a professional reporter and editor since 1999, working for newspapers, magazines,
25 and online publications as a staff writer, news editor, and freelance journalist. I co-founded
26 PubliCola with Josh Feit in 2009.

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1 3. As a journalist, my ability to report on the Seattle Police Department (SPD)
2 relies heavily on access to public records.

3 4. Currently, I have ten records requests outstanding with SPD. All have been
4 grouped into a single request. The oldest of the requests that are still open and unfulfilled
5 was filed on June 15, 2023. The most recent, and the only request I have filed in 2025, was
6 filed on September 10, 2025. Since SPD initially grouped my requests on November 14,
7 2024, I have filed a total of two records requests. (I filed an additional request, for Police
8 Chief Shon Barnes' schedule, on June 16, 2025, but closed it on June 24, 2025 when an
9 officer in SPD's communications department agreed to provide the document on a one-off,
10 ad hoc basis).

12 5. In addition to these open requests, I closed three requests after they were
13 grouped because, in my news judgment, they were no longer timely. Not only had SPD
14 repeatedly delayed each of these requests, moving the date they would deliver records
15 forward again and again, the decision to group them meant that the process of producing
16 the records was halted in its tracks. Once they were grouped, I had no way of knowing
17 when SPD would get around to working on these requests again.

19 6. SPD has fulfilled one of the requests that have been grouped—a request for
20 timesheets for Lt. John O'Neil. I filed this request on July 7, 2024 and SPD fulfilled it on
21 December 4, 2024.

23 7. The 10 requests I have made that are currently open and grouped include
24 requests for:

25 - Collision Review Board findings between January 1, 2023 and January 17,
26 2024. The Collision Review Board investigates vehicle collisions involving

1 SPD officers. I filed this request on January 17, 2024 and received one
2 installment of records on May 31, 2024 before it was grouped.
3

- 4 - All records involving then-police chief Adrian Diaz' travel to Houston for the
5 Huskies' title game, including transportation to the Portland airport to catch a
6 flight there instead of in Seattle. I filed this request on January 18, 2024,
7 received an initial delivery date of December 27, 2024, and received no records
8 before it was grouped. I have still received no records in response to this
9 request.
- 10 - Communications to or from now-former police officer Daniel Auderer (the
11 officer who was caught on tape joking about the death of pedestrian Jaahnavi
12 Kandula, who was struck and killed by another SPD officer in 2023) regarding
13 his travel to an International Association of Police Chiefs Conference on
14 impaired driving, where he was a scheduled speaker. I filed this request on May
15 3, 2024 and was given a November 1, 2024 date for the first batch of records.
16 SPD later delayed the delivery date to December 6, then grouped this request. I
17 have never received any records from this request.
- 18 - Records detailing the cost and details of a podcast and video studio housed in
19 SPD's communications office. I filed this request on April 18, 2024, initially
20 received a delivery date of February 21, 2025, and never received any records
21 from this request.
- 22 8. SPD first grouped my open records requests on November 14, 2024. On this
23 date, I received a communication through the city's public disclosure portal
24 about each of the 12 requests, informing me that my requests had been grouped
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1 and would be considered in the order SPD received them. The notice did not
2 distinguish between records requests SPD had begun working on, records
3 requests for which they had already provided some records through the
4 disclosure process, and requests for which they had provided no records. Each
5 message included this notice: “All other grouped PDRs will be pushed out
6 until 12/31/25, as a place holder date. We will update each grouped PDR due
7 date as we begin processing it. The City may revise its estimate upon further
8 review or changed circumstances.”

9. Attached as Exhibit 1 is a true and correct copy of my correspondence with
10 SPD about the grouping.

11. As noted, after I received the November 2024 grouping notice, I voluntarily
12 withdrew three records requests that I deemed the least timely of the twelve. These three
13 requests were for records related to: SPD’s use of and subsequent abandonment of Truleo,
14 an AI-based program that monitored and analyzed police officers’ body camera footage for
15 concerning behavior; a contract between SPD and City of Seattle employee Chukundi
16 Salisbury for a program called The Silent War Campaign; and communications with
17 SPD’s then-legal counsel, Becca Boatright, about the decision to transfer parking
18 enforcement officers to the Seattle Department of Transportation in the wake of Black
19 Lives Matter protests in 2020.

20. Because I withdrew these three requests, I was unable to write planned
21 stories on any of their subjects.

22. I filed the Truleo request on September 25, 2023 and received one
23 installment, on September 6, 2024. Before SPD grouped my requests, the delivery date for
24

1 a second installment was set as 3/21/25. I closed this request on November 27, 2024. I filed
2 the parking enforcement officer request on November 5, 2022. SPD provided a fifth
3 installment of records on this request on June 10, 2024 and gave me a delivery date of
4 February 28, 2025 for the next installment. I closed this request on November 26, 2024. I
5 filed the Silent War Campaign request on November 19, 2023 and received two a next
6 delivery date of April 4, 2025 before grouping. I closed this request on November 27,
7 2024.

9 13. On December 5, 2024, SPD completed the first of the remaining nine
10 grouped requests (filed on September 7, 2024) and provided a new grouping notice for my
11 eight remaining requests. In an email that was not retained by the city's public disclosure
12 portal, I objected to the fact that SPD was not following its settlement agreement with the
13 Seattle Times, which stated that the department would no longer group records requests
14 that were more than two months apart. Kaitlin Muench, of SPD's Legal Unit, informed me
15 in response that "Your requests remain grouped as previously communicated, consistent
16 with SPD policy and MDAR 17-0002." I then rearranged the order of the grouped requests
17 in an attempt to prioritize the request I believed would be the fastest for SPD to fulfill at
18 that time—a request for the full compensation for all SPD officers in 2023. I rearranged the
19 rest of the requests in an order that prioritized both urgency and ongoing timeliness, with
20 records that I believed might be "evergreen," meaning that I might still be able to write
21 stories about their subjects even if SPD took months or years to provide them, first.

24 14. Attached as Exhibit 2 is a true and correct copy of my correspondence with
25 SPD about the second grouping.

27 15. I have filed just two requests since the second grouping—one on December

1 9, 2024 and one on September 10, 2025. Both have also been grouped. In my September
2 10, 2025 records request—for information about the use of AI by SPD's communications
3 department and Police Chief Shon Barnes—I requested that SPD's public disclosure
4 officer re-order my requests to put the AI request at the top of the queue. In this request, I
5 noted that the Seattle Times settlement prohibits grouping of records more than two
6 months apart, and that this record should be considered as a new records request. An
7 unnamed public disclosure officer responded, “As confirmed by the Legal Section
8 Manager, the agreement currently applies only to the Seattle Times.”

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10 16. Attached as Exhibit 3 is a true and correct copy of my correspondence with
11 SPD about the third grouping.

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13 17. SPD's grouping notices all say the following: “Please note if an installment
14 is not picked up within 30 days, the Department will consider all of the requests in the
15 group abandoned and will close the request.” This turns every installment of every request
16 into a high-stakes game, in which failing to pay for even one installment of even one
17 “grouped” request results in the improper closure of every single request in a group. In my
18 case, if I failed to pay for one installment of one request within 30 days, I would have lost
19 up to 12 outstanding requests as a result, and have to go back and file them all over again
20 or simply abandon them. This is an extremely lopsided arrangement that requires me to
21 maintain constant vigilance in order to ensure that I don’t lose years of requests over a
22 single missed payment, thwarting my ability to obtain records that would otherwise at least
23 be in a queue for eventual disclosure. I have not encountered anything like this in any other
24 public disclosure division, at the City or elsewhere.

25
26 18. Although records requests (at SPD and many other public agencies) have
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1 always been a standard part of my reporting practice, SPD's grouping policy has
2 effectively stopped me from filing records requests with SPD, because I know there is very
3 little point in using this tool to obtain information from the department. Based on
4 experience and my own currently outstanding requests, I know it is more likely than not
5 that when I file a records request, it will take years for SPD to fulfill it. Even when SPD
6 provides some records, it is impossible to know how they are selecting these records—and
7 if, for example, the department is providing more innocuous records first in order to run
8 out the clock on the newsworthiness of certain requests that might be the basis for stories
9 unflattering to SPD. In one extreme example, I filed a request on May 2, 2024 for video
10 and audio evidence, including a 911 call, for a single incident. After receiving two
11 installments that did not consist of audio or video, I received a third installment of
12 "records" on November 27, 2024 that consisted of a notice that the 911 audio had fallen
13 out of the retention period and was no longer available. The date for the next set of records,
14 originally October 17, 2025, was superseded by the September grouping notice.
15

16 19. The reason I file records requests, as a reporter, is to obtain information
17 that may be of interest to my readers; by lumping every request I have filed over several
18 years into a single "grouped" request, SPD is able to run out the clock on my requests,
19 delaying disclosure until some requests have fallen far out of timeliness. In instances
20 involving individual police personnel, some of my currently open requests have been open
21 so long that the people they concern have long ago left the police department or transferred
22 among divisions. In requests involving specific incidents, such as the death of pedestrian
23 Jaahnavi Kandula in January 2023, grouping has allowed SPD to suppress and effectively
24 deny the release of information on an issue of intense public interest, in which much of the
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1 information that has been released, mostly by the King County Prosecuting Attorney's
2 Office, is unflattering to the department. This skews media coverage and allows the police
3 department to dodge public accountability in a way that other government agencies do not.
4

5 20. As a journalist, I rely on public records to report to my readers about what
6 the police department is doing. The records I have requested access to, and which have
7 been grouped by SPD, include documents that could have allowed me to write stories on
8 the legal decision to remove parking enforcement officers from SPD (a highly contentious
9 decision that ultimately led to the dismissal of thousands of parking tickets); former chief
10 Diaz' use of city resources for personal travel; an internal investigation of Durand Dace, an
11 employee who lost his job after taking the blame for rumors about a romantic relationship
12 between Diaz and his chief of staff Jamie Tompkins; and the department's use of taxpayer
13 dollars on a new podcast and video recording "studio" for its communications department.
14 These are specific, planned stories that I was unable to write because of unreasonable
15 delays created by SPD's grouping process.
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17 21. Records requests are a key component of police accountability. The
18 overwhelming majority of the records I have requested from SPD over the years I have
19 been a reporter have been documents that could not be obtained in any other way. In many
20 cases, including prior to the institution of grouping, I have asked SPD for documents such
21 as time sheets, calendars, and police reports, only to be told to file a records request. In
22 some cases, the communications department has responded to simple requests for
23 confirmation of facts by telling me to file a records request. For example, SPD refused to
24 confirm or provide any information about \$50,000 hiring bonuses that the department paid
25 to Police Chief Shon Barnes and two of his top staff, telling me to file a records request,
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1 which would have been grouped under SPD's public disclosure policy.
2 (<https://publicola.com/2025/08/20/new-police-chief-shon-barnes-accepted-50000-hiring-bonus-created-for-rank-and-file-officers/>) Although I was ultimately able to confirm this
3 information with internal sources, this is an example of how SPD's refusal to respond to
4 basic questions combines with the grouping process to prevent timely access to
5 newsworthy information of public interest.
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8 22. Without access to public records, I am unable to do a critical part of my job
9 as a reporter and the public may remain uninformed about everything from police
10 misconduct to misuse of taxpayer funds.
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12 23. Not visible in the list of records requests SPD has grouped are the many
13 records requests I have considered, but ultimately decided not to file, because I have no
14 hope of SPD providing records in a timely manner. If SPD did not immediately put
15 requests in the grouping queue, I would likely have filed many more than two requests in
16 the past year, as this is a primary tool for getting information out of SPD. For example, I
17 would likely have filed requests relating to Police Chief Shon Barnes' recruitment and
18 hiring of several new staffers from outside SPD, including members of his inner circle at
19 his previous jobs. Through grouping, SPD has created a strong disincentive to file records
20 requests, resulting in a lack of disclosure on an ongoing basis and stories that will never be
21 uncovered and told.
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23 24. In addition to SPD, I routinely file records requests at other departments
24 that result in timely, widely read stories. Three recent examples are: "Mayor's Office
25 Removed All New Anti-Displacement Proposals from Anti-Displacement Strategy"
26 (<https://publicola.com/2024/04/23/mayors-office-removed-all-new-anti-displacement->
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1 proposals-from-draft-anti-displacement-strategy/); “New Records Shed Light On
2 Investigation that Led to Former Police Chief Diaz’ Ouster”
3 (<https://publicola.com/2025/06/04/new-records-shed-light-on-investigation-that-led-to-former-police-chief-diaz-ouster/>, Office of Planning and Community Development records
4 request; Office of Inspector General records request); “Focusing on ‘Johns’ Doesn’t
5 Reduce Street Sex Work, Disproportionately Targets Men of Color, PubliCola Analysis
6 Shows” (<https://publicola.com/2024/08/26/focusing-on-johns-doesnt-reduce-street-sex-work-disproportionately-targets-men-of-color-publicola-analysis-shows/>);
7 Seattle
8 Municipal Court records request). No other City department has grouped my requests.
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11 25. In conclusion, it is hard to overstate the impact on my reporting that SPD’s
12 grouping policy has caused due to delays, disclosure requests I chose not to file, and lack
13 of transparency about how and why SPD chooses to group my requests. The state Public
14 Records Act can be an invaluable tool to shine a critical light on stories people in positions
15 of power would rather keep under wraps. By effectively denying access to this tool through
16 grouping, SPD has made it far more difficult for me to tell the stories and to keep the
17 public informed about what individual officers, staff, and the police department as an
18 institution are doing. SPD may prefer that journalists only report positive stories the
19 department disseminates through its own press releases, videos, and public events, but it’s
20 in the public’s clear interest for investigative journalists (and members of the general
21 public) to have access to public records. SPD’s extreme and unreasonable grouping policy
22 has prevented this access to my own detriment as a reporter and the detriment of the
23 general public.
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1 I declare under penalty of perjury that the foregoing is true and correct.
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6 DATED this ____ day of _____ 2025, at Seattle, Wash.
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