

Death-Scene Images of Kurt Cobain Exempt from Disclosure Under Washington's Public Records Act

Legal Alert
May 21, 2018

The Washington Court of Appeals, Division One, has held that death-scene images of Kurt Cobain are exempt from public disclosure under the Washington Public Records Act, ch. 42.56 RCW ("PRA"). [Lee v. City of Seattle](#).

Richard Lee, a "local conspiracy theorist who believes that Mr. Cobain was murdered," made a public records request to the City of Seattle for the investigative file regarding Cobain's death. The City provided records but withheld death-scene photographs. Lee filed a lawsuit alleging that withholding these photographs violated the PRA. Cobain's daughter and widow intervened in the lawsuit. The trial court concluded the records were properly withheld and granted the Cobains' motion for a permanent injunction to prevent release of the photographs.

On appeal, the Court concluded that releasing death-scene images would shock the conscience and "offend the community's sense of fair play and decency," violating the Cobains' substantive due process rights under the Fourteenth Amendment. The Court held that permanently enjoining release of the photographs was a reasonable way to prevent such a violation. Further, the Court held that the Fourteenth Amendment's privacy protections are "necessarily a part of the PRA's 'other statute' exemption" under RCW 42.56.070(1). Mr. Lee's remaining challenges to the City's withholding or redacting of other information in the investigative file were also rejected by the Court.

If you have any questions, contact a member of our [Public Records & Open Government](#) team.

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