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A Web Site Causes Unease in Police

By ADAM LIPTAK

William Sheehan does not like the police. He expresses his views about what he calls police corruption in Washington State on his Web site, where he also posts lists of police officers' addresses, home phone numbers and Social Security numbers.

State officials say those postings expose officers and their families to danger and invite identity theft. But neither litigation nor legislation has stopped Mr. Sheehan, who promises to expand his site to include every police and corrections officer in the state by the end of the year.

Mr. Sheehan says he obtains the information lawfully, from voter registration, property, motor vehicle and other official records. But his provocative use of personal data raises questions about how the law should address the dissemination of accurate, publicly available information that is selected and made accessible in a way that may facilitate the invasion of privacy, computer crime, even violence.

Larry Erickson, executive director of the Washington Association of Sheriffs and Police Chiefs, says the organization's members are disturbed by Mr. Sheehan's site.

"Police officers go out at night," Mr. Erickson said, "they make people mad, and they leave their families behind."

The law generally draws no distinction between information that is nominally public but hard to obtain and information that can be fetched with an Internet search engine and a few keystrokes. The dispute over Mr. Sheehan's site is similar to a debate that has been heatedly taken up around the nation, about whether court records that are public in paper form should be freely available on the Internet.

In 1989, in a case not involving computer technology, the Supreme Court did allow the government to refuse journalists' Freedom of Information Act request for paper copies of information it had compiled from arrest and conviction records available in scattered public files. The court cited the "practical obscurity" of the original records.

But once accurate information is in private hands like Mr. Sheehan's, the courts have been extremely reluctant to interfere with its dissemination.

Mr. Sheehan, a 41-year-old computer engineer in Mill Creek, Wash., near Seattle, says his postings hold the police accountable, by facilitating picketing, the serving of legal papers and research into officers' criminal histories. His site collects news articles and court papers about what he describes as inadequate and insincere police investigations, and about police officers who have themselves run afoul of the law.

His low opinion of the police has its roots, Mr. Sheehan says, in a 1998 dispute with the Police Department of Kirkland, Wash., over whether he lied in providing an alibi for a friend charged with domestic violence. Mr. Sheehan was found guilty of making a false statement and harassing a police officer and was sentenced to six months in jail, but served no time: the convictions were overturned.

He started his Web site in the spring of 2001. There are other sites focused on accusations of police abuse, he said, "but they stop short of listing addresses."
Yet if his site goes farther than others, Mr. Sheehan says, still it is not too far. "There is not a single incident," he said, "where a police officer has been harassed as a result of police-officer information being on the Internet."

Last year, in response to a complaint by the Kirkland police about Mr. Sheehan's site, the Washington Legislature enacted a law prohibiting the dissemination of the home addresses, phone numbers, birth dates and Social Security numbers of law enforcement, corrections and court personnel if it was meant "to harm or intimidate."

As a result, Mr. Sheehan, who had taken delight in bringing his project to the attention of local police departments, removed those pieces of information from his site. But he put them back in May, when a federal judge, deciding on a challenge brought by Mr. Sheehan himself, struck down the law as unconstitutional.

The ruling, by John C. Coughenour, chief judge of the Federal District Court in Seattle, said Mr. Sheehan's site was "analytically indistinguishable from a newspaper."

"There is cause for concern," Judge Coughenour wrote, "when the Legislature enacts a statute proscribing a type of political speech in a concerted effort to silence particular speakers."

The state government, he continued, "boldly asserts the broad right to outlaw any speech — whether it be anti-Semitic, anti-choice, radical religious, or critical of police — so long as a jury of one's peers concludes that the speaker subjectively intends to intimidate others with that speech."

Bruce E. H. Johnson, a Seattle lawyer specializing in First Amendment issues, said Judge Coughenour was correct in striking down the statute because it treated identical publicly available information differently depending on the authorities' perception of the intent of the person who disseminated it.

"It forces local prosecutors to become thought police," Mr. Johnson said.

Elena Garella, Mr. Sheehan's lawyer, said there was one principle at the heart of the case.

"Once the cat is out of the bag," she said, "the government has no business censoring information or punishing people who disseminate it."

Fred Olson, a spokesman for the state attorney general, Christine O. Gregoire, said the state would not appeal Judge Coughenour's decision.

"Our attorneys reviewed the decision and the case law," Mr. Olson said, "and they just felt there was very, very little likelihood that we would prevail on appeal. Our resources are much better used to find a legislative solution."

But Bill Finkbeiner, a state senator who was the main sponsor of the law that was struck down, said the judge's opinion left little room for a legislative repair. He said he was frustrated.

"This isn't just bad for police officers and corrections employees," Mr. Finkbeiner said. "It really doesn't bode well for anybody. Access to personal information changes when that information is put in electronic form."

Mr. Sheehan says one sort of data he has posted has given him pause.

"I'll be honest and say I do have a quandary over the Social Security numbers," he said. "I'm going to publish them because that's how I got the rest of my information, and I want to let people verify my data. But our state government shouldn't be releasing that data."

Lt. Rex Caldwell, a spokesman for the Police Department in Kirkland, said his colleagues there were resigned to
Mr. Sheehan's site, and added that much of the information posted on it was out of date.

When the matter first came up, "people were extremely unhappy about it," Lieutenant Caldwell said. "Now it's more of an annoyance than anything else. The official line from the chief is that we're still concerned. At the same time, everyone's greatest fear, of people using this to track them down, has not materialized."

Nor is there any indication that the site has led to identity theft, he said.

Brightening, Lieutenant Caldwell said some officers even welcomed the posting of their home addresses, if that encouraged Mr. Sheehan to visit.

"If he wants to drop by the house," Lieutenant Caldwell said, "the police officers would be more than happy to welcome him. We're all armed and trained."