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Chapter 14.04
FAIR EMPLOYMENT PRACTICES[1]

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Statutory Reference: For comparable statutory provisions on employment discrimination, see RCW 49.44.090, 49.60.180 through 49.60.200, 43.01.100 and 28A.400.310.

Severability: If any clause, sentence, paragraph, or part of this chapter, or the application thereof to any person or circumstances, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter.
(Ord. 109116 § 19, 1980.)

1.Editor's Note: The marital status anti-discrimination provisions of SMC Chapters 14.04 and 14.08 applicable to employee health insurance issues have been suspended until March 1, 1990; the City is awaiting a response from the U.S. Commissioner of Internal Revenue on certain questions regarding the income tax implications of compliance with such provisions.

Subchapter I General Provisions

14.04.010Short title.

This chapter shall constitute the "Seattle Fair Employment Practices Ordinance" and may be cited as such.
(Ord. 109116 § 1, 1980.)

Seattle fair employment practices ordinance was a valid exercise of City power and was not preempted by or in conflict with state law against discrimination. **Seattle Newspaper-Web, Etc. v. City of Seattle,** 24 Wn. App. 462, 604 P.2d 170 (1979).

14.04.020Declaration of policy.

A. It is declared to be the policy of the City, in the exercise of its police powers for the protection of the public health, safety, and general welfare, and for the maintenance of peace and good government, to assure equal opportunity to all persons, free from restrictions because of race, color, sex, marital status, sexual orientation, political ideology, age, creed, religion, ancestry, national origin, or the presence of any sensory, mental or physical disability. The role of the Office for Civil Rights is to enforce the provisions of this chapter in furtherance of this policy.

B. This chapter shall not be construed to endorse specific beliefs, practices or lifestyles.

C. The provisions of this chapter shall apply to both private employers and the City, and shall be liberally construed for accomplishment of its policies and purposes; provided that nothing in this chapter shall be construed so as to infringe upon the authority vested in the Civil Service Commis-

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sion, the Public Safety Civil Service Commission, and City Departments by the City Charter.

D. Nothing in this chapter shall be deemed to deny any person the right to institute any action or to pursue any civil or criminal remedy for the violation of such person's civil rights.

E. To avoid duplication of efforts or otherwise conserve agency resources, the Director may suspend or close a case for any reason consistent with this chapter, including the reason that the case is being actively pursued in another forum.

F. Remedies under this chapter should include such relief authorized by law as may be appropriate and reasonable to make the aggrieved person whole and eliminate the unfair practice.

G. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from or by reason of any act or omission in connection with the implementation or enforcement of this chapter on the part of the City by its officers, employees or agents.

(Ord. 118392 § 23, 1996; Ord. 112903 § 1, 1986: Ord. 109116 § 2, 1980.)

14.04.030Definitions.

When used in this chapter, unless the context otherwise requires:

A. "Charging party" means the person aggrieved by an alleged unfair employment practice or the person making a charge on another person's behalf, or the Director when the Director files a charge.

B. "City department" means any agency, office, board or commission of the City, or any Department employee acting on its behalf, but shall not mean a public corporation chartered under Ordinance 103387,[1] or its successor ordinances, or any contractor, consultant, concessionaire or lessee.

C. "Commission" means the Seattle Human Rights Commission.

D. "Department" means the Office for Civil Rights of the City.

E. "Director" means the Director of the Office for Civil Rights.

F. "Discrimination," "discriminate," and/or "discriminatory act" means any act, by itself or as part of a practice, which is intended to or results in different treatment or differentiates between or among individuals or groups of individuals by reason of race, color, age, sex, marital status, sexual orientation, political ideology, creed, religion, ancestry, national origin; or the presence of any sensory, mental or physical handicap.

G. "Employee" means any person employed by an employer.

H. "Employer" means any person who has four (4) or more employees, or the employer's designee or any person acting in the interest of such employer.

I. "Employment agency" means any person undertaking with or without compensation to procure opportunities to work or to procure, recruit, refer, or place individuals with an employer or in employment.

J. "Labor organization" means any organization or employee group or association in which employees participate and which exists for the purpose of (1) collective bargaining for or on behalf of employees, (2) dealing with employers concerning grievances, labor disputes, terms or conditions of employment, or (3) other mutual aid or protection of such employees in relation to their employment.

K. "Marital status" means the presence or absence of a marital relationship and includes the status of married, separated, divorced, engaged, widowed, single or cohabitating.

L. "Party" includes the person charging or making a complaint or upon whose behalf a complaint is made alleging an unfair employment practice, the person alleged or found to have committed an unfair employment practice and the Office for Civil Rights.

M. "Person" includes one (1) or more individuals, partnerships, associations, organizations, trade or professional associations, corporations, public corporations, cooperatives, legal representatives, trustees, trustees in bankruptcy and receivers, or any group of persons; it includes any owner, lessee, proprietor, manager, agent or employee, whether one (1) or more natural persons, and further includes any department, office, agency or instrumentality of the City.

N. "Political ideology" means any idea or belief, or coordinated body of ideas or beliefs, relating to the purpose, conduct, organization, function or basis of government and related institutions and activities, whether or not characteristic of any political party or group. This term includes membership in a political party or group and includes conduct, reasonably related to political

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ideology, which does not interfere with job performance.

O. "Respondent" means any person who is alleged or found to have committed an unfair employment practice prohibited by this chapter.

P. "Sexual orientation" means actual or perceived male or female heterosexuality, bisexuality, homosexuality, transsexuality, or transvestism and includes a person's attitudes, preferences, beliefs and practices pertaining thereto.

(Ord. 118392 § 24, 1996; Ord. 112903 § 2, 1986: Ord. 109116 § 3, 1980.)

1.Editor's Note: Ordinance 103387 is codified in Chapter 3.110 of this Code.

Subchapter II Unfair Employment Practices and Exclusions

14.04.040Unfair employment practices designated.

It is unfair employment practice within the City for any:

A. Employer to discriminate against any person with respect to hiring, tenure, promotion, terms, conditions, wages or privileges of employment, or with respect to any matter related to employment;

B. Employer, employment agency, or labor organization to discriminate by establishing, announcing or following a policy of denying or limiting employment or membership opportunities to any person;

C. Employer, employment agency, or labor organization to print, circulate, or cause to be printed, published or circulated, any statement, advertisement, or publication relating to employment or membership, or to use any form of application therefor, which indicates any preference, limitation, specification, or discrimination based upon race, color, sex, marital status, sexual orientation, political ideology, age, creed, religion, ancestry, national origin, or the presence of any sensory, mental or physical handicap; provided that nothing in this chapter shall prevent an employer from ascertaining and recording data as to race, color, sex, marital status, sexual orientation, political ideology, age, creed, religion, ancestry, national origin, or the presence of any sensory, mental or physical handicap whether before or after employment, for the purpose of making reports specifically required by agencies of federal, state or local government for the purpose of eliminating and preventing discrimination or overcoming its effects, or for other purposes authorized by law or the rules and regulations of Washington State Human Rights Commission, the Equal Employment Opportunities Commission or the Department;

D. Employment agency to discriminate against any person with respect to any reference for employment, assignment as to job classification or otherwise;

E. Labor organization to discriminate against any person by limiting, segregating, or classifying its membership in any way that would:

1. Deprive or tend to deprive any person of employment opportunities,

2. Limit any person's employment opportunities or otherwise adversely affect such person's status as an applicant for employment or as an employee,

3. Adversely affect the wages, hours, or conditions of employment of any person;

F. Employer, employment agency, or labor organization to penalize or discriminate in any manner against any person because they opposed any practice forbidden by this chapter or because they made a charge, testified or assisted in any manner in any investigation, proceeding, or hearing initiated under the provisions of this chapter;

G. Employer, employment agency, labor organization, or any joint labor-management committee controlling apprenticeship or other training or retraining programs to discriminate against any person with respect to admission to or participation in any guidance program, apprenticeship training program or other occupational training program;

H. Publisher, firm, corporation, organization, or association printing, publishing or circulating any newspaper, magazine or other written publication, to print or cause to be printed or circulated any advertisement with knowledge that the same is in violation of Section 14.04.040 C, or to segregate and separately designate advertisements as applying only to men or women unless such designation is a bona fide occupational qualification reasonably necessary to the particular business or employment;

I. Person to:

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1. Knowingly and wilfully aid, abet, initiate, compel, or coerce the doing of any act declared in this chapter to be an unfair employment practice; provided that this subparagraph shall have no application to any act declared to be an unfair employment practice under subsection H of this section,

2. Obstruct or prevent any person from complying with the provisions of this chapter,

3. Attempt directly or indirectly to commit any act declared by this section to be an unfair employment practice.

(Ord. 109116 § 4, 1980.)

14.04.050Exclusions from unfair practices.

A. Notwithstanding any other provision of Section 14.04.040, it is not an unfair employment practice under this chapter for an employer, employment agency, or labor organization to discriminate in those instances where religion, sex, national origin, or age is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

B. Notwithstanding any other provisions of this chapter, it is not an unfair employment practice under this chapter to act to accomplish the purposes and goals of the affirmative action plan of an employer, employment agency, or labor organization.

C. The provisions of Section 14.04.040 insofar as they declare discrimination on the basis of age to be an unfair employment practice shall not be applicable with respect to individuals who are under forty (40) years of age.

D. The provisions of Section 14.04.040 insofar as they declare discrimination on the basis of the presence of any sensory, mental or physical handicap to be an unfair employment practice, shall not apply if the particular disability prevents the proper performance of the particular worker involved.

E. Nothing in this chapter shall be construed to protect criminal conduct.

F. Notwithstanding any provision of Sections 14.04.030 and 14.04.040, it is not an unfair practice under this chapter for an employer, with a demonstrated security or public safety need, to discriminate on the basis of participation in activities which involve the use of force or violence or advocate or incite force or violence.

(Ord. 118392 § 25, 1996; Ord. 112903 § 3, 1986; Ord. 109116 § 5, 1980.)

Subchapter III Administration and Enforcement

14.04.060Powers and duties of Department.

A. The Office for Civil Rights shall receive, investigate, and pass upon charges alleging unfair practices as defined by this chapter, conciliate and settle the same by agreement, and monitor and enforce any agreements or orders resulting therefrom or from a subsequent hearing thereon under and pursuant to the terms of this chapter; and shall have such powers and duties in the performance of these functions as are defined in this chapter and otherwise necessary and proper in the performance of the same and provided for by law. The Department shall further assist the Commission and other City agencies and departments upon request in effectuating and promoting the purposes of this chapter.

B. The Director is authorized and directed to promulgate rules consistent with this chapter and the Administrative Code.[1]

(Ord. 118392 § 26, 1996: Ord. 109116 § 6(A), 1980.)

1.Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

14.04.070Powers and duties of Commission.

The Seattle Human Rights Commission shall study, advise, and make recommendations for legislation on policies, procedures, and practices which would further the purposes of this chapter. The Commission shall hear appeals from the Director's determinations of no reasonable cause and, in cases involving respondents who are City departments, hear appeals from determinations of reasonable cause and the orders relating to the remedy therefor. It shall, where appropriate and necessary, in its judgment, hear and determine complaints jointly with the Hearing Examiner as provided in Sections 14.04.170 and 14.04.180. The Commission shall have such powers and authority in carrying out these functions as are provided for by this chapter or otherwise established by law.

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(Ord. 109116 § 6(B), 1980.)

14.04.080Charge filing.

A. A charge alleging an unfair employment practice shall be in writing on a form or in a format determined by the Department, and signed under oath or affirmation by or on behalf of a charging party before the Director, one of the Department's employees, or any other person authorized to administer oaths, and shall describe the unfair employment practice complained of and should include a statement of the dates, places and circumstances and the persons responsible for such acts and practices.

B. Whenever charges are made by or on behalf of a person claiming to be aggrieved, the person making the charge must provide the Director with the name, address and telephone number of the individual on whose behalf the charge is made. Thereafter, the Director shall verify the authorization of such charge by the person on whose behalf the charge is made and upon the request of such person may keep his or her identity confidential.

C. A charge shall not be rejected as insufficient because of failure to include all required information so long as it substantially satisfies the informational requirements necessary for processing.

D. A charge alleging an unfair employment practice or pattern of unfair practices may also be filed by the Director whenever the Director has reason to believe that any person has been engaged or is engaging in an unfair employment practice.

(Ord. 118392 § 27, 1996; Ord. 109116 § 7(A), 1980.)

14.04.090Charge—Time for filing.

Charges filed under this chapter must be filed within one hundred eighty (180) days after the occurrence of the alleged unfair employment practice with the Office for Civil Rights.

(Ord. 118392 § 28, 1996: Ord. 109116 § 7(B), 1980.)

14.04.100Charge—Amendments.

The charging party or the Department may amend a charge to cure technical defects or omissions; or to clarify and amplify allegations made therein; or to add allegations related to or arising out of the subject matter set forth, or attempted to be set forth, in the original charge. For jurisdictional purposes, such amendments shall relate back to the date the original charge was first filed. The charging party may also amend a charge to include allegations of additional unrelated discriminatory acts and/or retaliation which arose after filing of the original charge. The amendment must be filed within one hundred eighty (180) days after the occurrence of the additional discriminatory act and/or retaliation and prior to the Department's issuance of findings of fact and a determination with respect to the original charge. Such amendments may be made at any time during the investigation of the original charge so long as the Department will have adequate time to investigate such additional allegations and the parties will have adequate time to present the Department with evidence concerning such allegations before the issuance of findings of fact and a determination.

(Ord. 118392 § 29, 1996: Ord. 112903 § 4, 1986: Ord. 109116 § 7(C), 1980.)

14.04.110Charge—Notice and investigation.

A. The Director shall cause to be served or mailed by certified mail, return receipt requested, a copy of the charge on the respondent within twenty (20) days after the filing of the charge and shall promptly make an investigation thereof.

B. The investigation shall be directed to ascertain the facts concerning the unfair practice alleged in the charge, and shall be conducted in an objective and impartial manner.

C. During the investigation the Director shall consider any statement of position or evidence with respect to the allegations of the charge which the charging party or the respondent wishes to submit. The Director shall have authority to sign and issue subpoenas requiring the attendance and testimony of witnesses, the production of evidence including but not limited to books, records, correspondence or documents in the possession or under the control of the person subpoenaed, and access to evidence for the purpose of examination and copying, and conduct discovery procedures which may include the taking of interrogatories and oral depositions.

D. The Director may require a fact finding conference or participation in another process with the respondent and any of respondent's agents and witnesses and charging party during the investigation in order to define the issues, determine which elements are undisputed, resolve

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those issues which can be resolved, and afford an opportunity to discuss or negotiate settlement. Parties may have their legal counsel present if desired.
(Ord. 118392 § 30, 1996; Ord. 109116 § 8, 1980.)

14.04.120 Findings of fact and determination of reasonable cause or no reasonable cause.

A. The results of the investigation shall be reduced to written findings of fact and a determination shall be made by the Director that there is or is not reasonable cause for believing that an unfair practice has been or is being committed, which determination shall also be in writing and issued with the written findings of fact. Where a City department is a respondent the Director shall issue such findings and determination only after having submitted proposed findings and determinations to the respondent and charging party for review and comment. With respect to the findings and determination, "issued" shall be defined as signed and dated by the Director.

B. The findings of fact and determination shall be furnished promptly to the respondent and charging party.

C. Once issued to the parties, the Director's findings of fact, determination and order may not be amended or withdrawn except upon the agreement of the parties or in response to an order by the Human Rights Commission after an appeal taken pursuant to Section 14.04.130 or 14.04.160; provided, that the Director may correct clerical mistakes or errors arising from oversight or omission upon a motion from a party or upon the Director's own motion.
(Ord. 118392 § 31, 1996; Ord. 112903 § 5, 1986; Ord. 109116 § 9, 1980.)

14.04.130 Determination of no reasonable cause—Appeal from and dismissal.

If a determination is made that there is no reasonable cause for believing an unfair employment practice under this chapter has been committed, the charging party shall have the right to appeal such determination to the Commission within thirty (30) days of the date the determination is signed by the Director by filing a written statement of appeal with the Commission. The Commission shall promptly deliver a copy of the statement to the Department and respondent and shall promptly consider and act upon such appeal by either affirming the Director's determination or remanding it to the Director with appropriate instructions. In the event no appeal is taken or such appeal results in affirmance, the determination of the Director shall be final and the charge deemed dismissed and the same shall be entered on the records of the Department.
(Ord. 118392 § 32, 1996: Ord. 109116 § 10, 1980.)

14.04.140 Determination of reasonable cause—Conciliation and settlement of cases involving all respondents except City departments.

A. In all cases except a case in which a City department is the respondent, if a determination is made that reasonable cause exists to believe that an unfair practice has occurred, the Director shall endeavor to eliminate the unfair practice by conference, conciliation and persuasion. Conditions of settlement may include (but are not limited to) the elimination of the unfair employment practice, hiring, reinstatement or upgrading with or without back pay, lost benefits, attorney's fees, admittance or restoration to membership in a labor organization, admittance to participation in a guidance, apprentice training or retraining program or such other action which will effectuate the purposes of this chapter, including action which could be ordered by a court, except that damages for humiliation and mental suffering shall not exceed Ten Thousand Dollars ($10,000.00). Any settlement agreement shall be reduced to writing and signed by the Director and the respondent. An order shall then be entered by the Director setting forth the terms of the agreement. Copies of such order shall be delivered to all affected parties.

B. In case of failure to reach an agreement and of conciliation and upon a written finding to that effect furnished to the charging party and respondent, except a case in which a City department is a respondent, the Director shall promptly cause to be delivered the entire investigatory file, including the charge and any and all findings made, to the City Attorney for further proceedings and hearing under this chapter pursuant to Section 14.04.170.

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(Ord. 117615 § 1, 1995: Ord. 112903 § 7, 1986; Ord. 109116 § 11, 1980.)

14.04.150 Determinations of reasonable cause—Conciliation, settlement and conclusion of cases involving City departments as respondents.

In all cases in which a City department is a respondent:

A. A determination of reasonable cause by the Director shall be deemed a finding that an unfair employment practice has been committed by re-

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spondent and is dispositive of this issue for all future proceedings under this chapter, unless appealed, reversed and remanded as provided in this chapter.

B. Within sixty (60) days of a determination of reasonable cause, the Director shall confer with the parties and determine an appropriate remedy, which remedy may include (but is not limited to) hiring, reinstatement or upgrading with or without back pay, lost benefits, attorney's fees, admittance to participation in a guidance, apprentice training or retraining program, or such other action as will effectuate the purposes of this chapter, including action which could be ordered by a court, except that damages for humiliation and mental suffering shall not exceed Ten Thousand Dollars ($10,000.00). Such remedy shall be reduced to writing in an order of the Director.

C. The charging party must sign a release in the form and manner requested by the Department, releasing the City from further liability for acts giving rise to the charge in order to obtain the benefits of the remedy provided under this section and before payment can be made. Without such release, the Director's order with respect to the charging party's individual relief shall have no force and effect. In such event the Director shall notify the parties involved in writing.

D. In all cases where the remedy determined by the Director before or after any appeal includes a monetary payment which exceeds the sum of Five Thousand Dollars ($5,000.00), the charge or claim, the Director's determination, order, the charging party's signed release and such further documentation as may be required shall be presented to the City Council for passage by separate ordinance. If the City Council fails or refuses to appropriate the amount ordered by the Director within ninety (90) days, the Director shall certify the case to the Hearing Examiner for a hearing to determine the appropriate monetary relief in the case which determination shall be final and binding upon the City.

E. Where the Director's order includes a monetary payment of Five Thousand Dollars ($5,000.00) or less, such payment shall be made under the authority and in the form and manner otherwise provided for by law for payment of such claims.

(Ord. 117615 § 2, 1995: Ord. 112903 § 7, 1986; Ord. 109116 § 12, 1980.)

14.04.160 Appeals to the Commission from determinations of reasonable cause and orders of excess involving City departments as respondents.

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In all cases in which a City department is a respondent:

A. The charging party or respondent may appeal the Director's order and determination of reasonable cause to the Commission within thirty (30) days of the Director's order by filing a written statement of appeal with the Commission. Such statement shall state specifically the grounds on which it is based and the reasons the determination or order or both is in error.

B. The Commission shall promptly mail a copy of the statement to the Department and to the other party and shall promptly consider and act upon such appeal by either affirming the Director's determination or order or remanding it to the Director with appropriate instructions.

C. The filing of an appeal shall stay the enforcement of any remedy provided for in the Director's determination or order during the pendency of the appeal.

D. In such appeal, the Commission shall consider only the record submitted to it by the Department and written statements of positions by the parties involved and, in its discretion, oral presentation. The Commission shall reverse the Director's determination or order only upon a finding that it is clearly erroneous.

(Ord. 117615 § 3, 1995: Ord. 109116 § 13, 1980.)

14.04.170 Complaint and hearing of cases with all respondents except City departments.

A. Following submission of the investigatory file from the Director in cases involving all respondents under Section 14.04.140, the City Attorney shall prepare a complaint against such respondent relating to the charge and facts discovered during the investigation thereof and prosecute the same in the name and on behalf of the Department and the City at a hearing therefor before the Hearing Examiner sitting alone or with representatives of the Commission as provided in this chapter and to appear for and represent the interests of the Department and the City at all subsequent proceedings; provided, if the City Attorney determines that there is no legal basis for a complaint to be filed or for proceedings to continue, a statement of the reasons therefor shall be filed with the Department, charging party and the respondent.

B. The complaint shall be served on respondent in the usual manner provided by law for service of complaints and filed with the Seattle Hearing Examiner. A copy of such complaint shall be furnished charging party.

C. Within twenty (20) days of the service of such complaint upon it, the respondent shall file its answer with the Hearing Examiner and serve a copy of the same on the City Attorney.

D. Upon the filing of the complaint, the Hearing Examiner shall promptly establish a date for the hearing of such complaint and give notice thereof to the Commission, the City Attorney and respondent, and shall thereafter hold a public hearing on the complaint, which hearing shall commence no earlier than ninety (90) days nor later than one hundred twenty (120) days from the filing of the complaint, unless otherwise ordered by the Hearing Examiner.

E. After the filing of a complaint with the Hearing Examiner, it may be amended only with the permission of the Hearing Examiner, which permission shall be granted when justice will be served thereby and all parties are allowed time to prepare their case with respect to additional or expanded charges which they did not and could not have reasonably foreseen would be in issue at the hearing.

F. The hearing shall be conducted by a Hearing Examiner from the Office of Hearing Examiner, or a hearing examiner pro tempore appointed by the Hearing Examiner from a list approved by the Commission, sitting alone or with representatives of the Commission if any are designated. Such hearings shall be conducted in accordance with written rules and procedures consistent with this ordinance and the Administrative Code of the City (Ordinance 102228).[1]

G. The Commission, within thirty (30) days after notice of the date of hearing from the Hearing Examiner, at its discretion, may appoint two (2) of its members who have not otherwise been involved in the charge, investigation, fact finding, or other resolution and proceeding on the merits of the case, who have not formed an opinion on the merits of the case, and who otherwise have no pecuniary, private or personal interest or bias in the matter, to hear the case with the Hearing Examiner. If the Commission has designated representatives they shall each have an equal vote with the Hearing Examiner, except the Hearing Examiner shall be the chairperson of the panel and make all evidentiary rulings. Should a question arise as to previous involvement, interest or

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bias of an appointed Commissioner, the Hearing Examiner shall resolve the issue in conformance with the law on the subject.
(Ord. 109116 § 14, 1980.)

1.Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

14.04.180Decision and order.

A. Within thirty (30) days after conclusion of the hearing, the Hearing Examiner presiding at the hearing (or the Examiner and Commissioners as the case may be) shall prepare a written decision and order. The final decision shall be filed as a public record with the City Clerk, and copies thereof mailed to each party of record and to the Department.

B. Such decision shall contain a brief summary of the evidence considered and shall contain findings of fact, conclusions of law upon which the decision is based, and an order detailing the relief deemed appropriate, together with a brief statement of the reasons therefor.

C. In the event the Hearing Examiner (or a majority of the panel composed of the Examiner and Commissioners), determines that a respondent has committed an unfair employment practice under this chapter, the Hearing Examiner (or panel majority) may order the respondent to take such affirmative action or provide for such relief as is deemed necessary to correct the practice, effectuate the purpose of this chapter, and secure compliance therewith, including but not limited to hiring, reinstatement, or upgrading with or without back pay, lost benefits, attorney's fees, admittance or restoration to membership in a labor organization, admittance to participation in a guidance, apprentice training or retraining program, or such other action which will effectuate the purposes of this chapter, including action which could be ordered by a court, except that damages for humiliation and mental suffering shall not exceed Ten Thousand Dollars ($10,000.00). Back pay liability shall not accrue from a date more than two (2) years prior to the initial filing of the charge.

D. Respondent shall comply with the provisions of any order affording relief and shall furnish proof of compliance to the Department as specified in the order. In the event respondent refuses or fails to comply with the order, the Director shall notify the City Attorney of the same and the City Attorney shall invoke the aid of the appropriate court to secure enforcement or compliance with the order.
(Ord. 117615 § 4, 1995: Ord. 112903 § 8, 1986; Ord. 109116 § 15, 1980.)

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14.04.190Construction with other laws.

Nothing in this chapter shall be construed to invalidate or restrict or deny any right or remedy any person may have under state or federal law or preclude any cause of action in court otherwise provided for the violation of any person's civil rights; nor shall this chapter be construed to preclude any person aggrieved from seeking judicial review of any final administrative decision or order made under this chapter affecting such person.
(Ord. 109116 § 16, 1980.)

14.04.200Cooperative agreements.

Nothing in this chapter shall be interpreted to prevent the receiving, referring, or other processing of complaints, in accordance with a cooperative agreement with the Washington State Human Rights Commission, the Equal Employment Opportunity Commission or with other agencies concerned with the enforcement of laws against discrimination.
(Ord. 109116 § 17, 1980.)

14.04.210Violation—Penalty.

It is unlawful for any person to wilfully engage in an unfair practice under this chapter or wilfully resist, prevent, impede or interfere with the Director or Hearing Examiner in the performance of their duties under this chapter, or to fail, refuse, or neglect to comply with any lawful order of the Director or Hearing Examiner. Conduct made unlawful by this section constitutes a violation subject to the provisions of Chapter 12A.01 and Chapter 12A.02 of the Seattle Criminal Code (Ordinance 102843, as amended),[1] and any person convicted thereof may be punished by a civil fine or forfeiture not to exceed Five Hundred Dollars ($500.00).
(Ord. 109116 § 18, 1980.)

1.Editor's Note: Chapter 12A.01 of the Criminal Code is codified in Chapter 12A.02 of this Code; Chapter 12A.02 is codified in Chapter 12A.04 of this Code.

14.04.220Application to pending charges and complaints.

The procedures for administration and enforcement under this chapter shall apply to charges pending which have not had a date certain set for hearing as of the effective date of this ordinance.[1] However, this section shall not be construed to invalidate any administrative action taken or determinations and orders made on pending charges because of the procedures provided by this chapter.
(Ord. 109116 § 20, 1980.)

1.Editor's Note: Ord. 109116 became effective July 17, 1980.

Chapter 14.08
UNFAIR HOUSING PRACTICES[1]

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14.08.180Decision and order.
14.08.185Civil penalty in cases alleging unfair real estate practices.
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14.08.210Cooperative agreements.
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Statutory Reference: For comparable statutory provisions on housing discrimination, see RCW 49.60.222 et seq.

1.Cross-reference: For provisions regarding the duties of owners and tenants, see Chapter 22.206 of this Code.

Severability: If any clause, sentence, paragraph, or part of this chapter, or the application thereof to any person or circumstances, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter.
(Ord. 113610 § 8, 1987: Ord. 109208 § 13, 1980.)

14.08.010Short title and purposes.

A. This chapter shall be known as and may be cited as the "Open Housing and Public Accommodations Ordinance." The general purposes of this chapter are to promote the availability and accessibility of housing and real property to all persons; to prohibit unfair practices in real property transactions, whether direct or indirect, which inexcusably and unjustifiably deny those persons equal rights and opportunities in acquiring, disposing of or occupying real property; to assure all persons equal opportunity to the full enjoyment of places of public accommodation; to eliminate and to prevent unlawful discrimination in places of public accommodation; to provide enforcement mechanisms for the accomplishment of such purposes; and to these ends the provisions of this chapter shall be liberally construed. The role of the Office for Civil Rights is to enforce the provisions of this chapter in furtherance of this policy.

B. This chapter shall not be construed to endorse specific beliefs, practices or lifestyles.

C. Nothing in this chapter shall be deemed to deny any person the right to institute any action or to pursue any civil or criminal remedy for the violation of such person's civil rights.

D. To avoid duplication of efforts or otherwise conserve agency resources, the Director may suspend or close a case for any reason consistent with this chapter, including the reason that the case is being actively pursued in another forum. The commencement of a civil action by the Department to enjoin any unfair practice in violation of this chapter shall not preclude the initiation or continuation of administrative proceedings under this chapter.

E. Remedies under this chapter should include such relief authorized by law as may be appropriate and reasonable to provide appropriate temporary or preliminary relief as well as to make the aggrieved person whole and eliminate the unfair practice.

F. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from or by reason of any act or omission in connection with the implementation or enforcement of this chapter on the part of the City by its officers, employees or agents.
(Ord. 118392 § 33, 1996; Ord. 116818 § 1, 1993: Ord. 113610 § 1, 1987; Ord. 113144 § 1, 1986: Ord. 112903 § 9, 1986: Ord. 104839 § 1, 1975.)

14.08.020Definitions.

Definitions as used in this chapter, unless additional meaning clearly appears from the context, shall have the meanings subscribed:

A. "Charging party" means the person aggrieved by an unfair practice, or the person making a charge on another person's behalf, or the Director when the Director files a charge.

B. "City" means The City of Seattle.

C. "City department" means any agency, office, board or commission of the City, or any department employee acting on its behalf, but shall not mean a public corporation chartered under Ordinance 103387,[1] or its successor ordinances, or any contractor, consultant, or concessionaire or lessee.

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D. "Commission" means the Seattle Human Rights Commission.

E. "Department" means the Seattle Office for Civil Rights.

F. "Director" means the Director of the Office for Civil Rights.

G. "Discriminate" means any conduct, whether by single act or as part of a practice, the effect of which is to adversely affect or differentiate between or among individuals or groups of individuals, because of race, color, creed, religion, ancestry, national origin, age, sex, marital status, parental status, sexual orientation, political ideology, possession or use of a Section 8 rent certificate, the presence of any sensory, mental or physical handicap or the use of a trained guide or service dog by a handicapped person.

H. "Dwelling" means any building, structure, or portion thereof which is occupied as, or is designed or intended for occupancy as, a residence by one or more individuals or families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

I. "Full enjoyment of" includes the right to purchase any service, commodity, or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement, without acts directly or indirectly causing persons of any particular race, color, sex, marital status, parental status, sexual orientation, political ideology, creed, religion, national origin, ancestry, persons holding a Section 8 rent certificate, persons with any sensory, mental or physical handicap, or handicapped persons using trained guide or service dogs, to be treated as not welcome, accepted, desired or solicited.

J. "Holder" means a person possessing a Section 8 rent certificate.

K. "Housing accommodations" includes any dwelling, rooming unit, rooming house, lot or parcel of land in the City which is used, intended to be used, or arranged or designed to be used as, or improved with, a residential structure for one (1) or more human beings.

L. "Lender" includes any bank, insurance company, savings or building and loan association, credit union, trust company, mortgage company, or other person or agent thereof, engaged wholly or partly in the business of lending money for the financing or acquisition, construction, repair or maintenance of real property.

M. "Marital status" means the presence or absence of a marital relationship and includes the status of married, separated, divorced, engaged, widowed, single or cohabitating.

N. "Occupant" includes any person who has established residence or has the right to occupancy of real property.

O. "Owner" includes persons who own, lease, sublease, rent, operate, manage, have charge of, control or have the right of ownership, possession, management, charge, or control of real property on their own behalf or on behalf of another.

P. "Parental status" means being a parent, step-parent, adoptive parent, guardian, foster parent or custodian of a minor child or children under the age of eighteen (18) years, or the designee of a parent or other person having legal custody of a child or children under the age of eighteen (18) years, with the written permission of such parent or other person, which child or children shall reside permanently or temporarily or shall seek full enjoyment of any place of public accommodation with such parent or other person. In addition, parental status shall refer to any person who is pregnant or who is in the process of acquiring legal custody of any person who has not yet attained the age of eighteen (18) years.

Q. "Party" includes the person charging or making a charge or complaint or upon whose behalf a complaint is made alleging an unfair practice, the person alleged or found to have committed an unfair practice and the Office for Civil Rights.

R. "Person" includes one (1) or more individuals, partnerships, organizations, trade or professional associations, corporations, legal representatives, trustees, trustees in bankruptcy and receivers. It includes any owner, lessee, proprietor, manager, agent or employee, whether one (1) or more natural persons, and further includes any political or civil subdivisions or agency or instrumentality of the City.

S. "Place of public accommodation" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire or reward, or where charges are made for admission, service, occupancy or use of any property or facilities, whether conducted for the entertainment, housing or lodging of transient guests, or for the benefit, use

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or accommodation of those seeking health, recreation or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates or assembles for amusement, recreation or public purposes, or public halls, public elevators, and public washrooms of buildings and structures occupied by two (2) or more tenants, or by the owner and one (1) or more tenants, or any public library or private educational institution, or private schools of special instruction, or nursery schools, or day care centers or children's camps.

T. "Political ideology" means any idea or belief, or coordinated body of ideas or beliefs, relating to the purpose, conduct, organization, function or basis of government and related institutions and activities, whether or not characteristic of any political party or group. This term includes membership in a political party or group and includes conduct, reasonably related to political ideology, which does not interfere with the property rights of the landowner as it applies to housing, or which does not cause substantial and material disruption of the property rights of the provider of a place of public accommodation.

U. "Prospective borrower" includes any person who seeks to borrow money to finance the acquisition, construction, repair, or maintenance of real property.

V. "Prospective occupant" includes any person who seeks to purchase, lease, sublease or rent real property.

W. "Real estate agent, salesperson or employee" includes any person employed by, associated with or acting for a real estate broker to perform or assist in the performance of any or all of the functions of a real estate broker.

X. "Real estate broker" includes any person who for a fee, commission, or other valuable consideration, lists for sale, sells, purchases, exchanges, leases or subleases, rents, or negotiates or offers or attempts to negotiate the sale, purchase, exchange, lease, sublease or rental of real property of another, or holds themselves out as engaged in the business of selling, purchasing, exchanging, listing, leasing, subleasing, or renting real property of another, or collects the rental for use of real property of another.

Y. "Real estate-related transaction" means any of the following:

1. The making or purchasing of loans or providing other financial assistance:

a. For purchasing, constructing, im-proving, repairing, or maintaining real property; or

b. Secured by real property; or

2. The selling, brokering, or appraising or real property.

Z. "Real property" includes housing accommodations, buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein.

AA. "Respondent" means any person who is alleged to have committed an unfair practice prohibited by this chapter.

BB. "Rooming unit" includes one (1) or more rooms within a dwelling or rooming house containing space for living and sleeping.

CC. "Section 8 rent certificate" means a document issued by a government agency declaring the holder thereof eligible to participate in the Section 8 program and stating the terms and conditions of such participation.

DD. "Section 8" means a federal, state or local government program in which a tenant's rent is paid partially by the government program (through a direct contract between the government program and the owner or lessor of the real property), and partially by the tenant.

EE. "Sexual orientation" means actual or perceived male or female heterosexuality, bisexuality, homosexuality, transsexuality, or transvestitism and includes a person's attitudes, preferences, beliefs and practices pertaining thereto.

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(Ord. 118392 § 34, 1996; Ord. 116818 § 2, 1993: Ord. 114864 § 1, 1989: Ord. 113610 § 2, 1987: Ord. 113144 § 2, 1986; Ord. 112903 § 10, 1986; Ord. 108205 § 1, 1979: Ord. 104839 § 2, 1975.)

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1.Ordinance 103387 is codified at Chapter 3.110 of this Code.

14.08.030Unfair practices forbidden.

A. Unfair practices as defined in Sections 14.08.040 through 14.08.090 are contrary to the public peace, health, safety and general welfare and are prohibited by the City in the exercise of its police power.

B. Unless the context otherwise requires, "unfair practice" includes "unfair real estate practice."

(Ord. 116818 § 3, 1993: Ord. 113610 § 3, 1987: Ord. 109050 § 1(part), 1980: Ord. 108205 § 2(part), 1979: Ord. 104839 § 3(1), 1975.)

14.08.040Unfair practices—Generally.

A. It is an unfair real estate practice for any owner, assignee, real estate broker, real estate agent, salesperson or employee, or other person having the right to sell, rent, lease, sublease, assign, transfer, or otherwise dispose of real property, to discriminate by undertaking or refusing to sell, rent, lease, sublease, assign, transfer or otherwise deny to or withhold from any person or group of persons such real property, or refuse to negotiate for the sale, rental, lease, sublease, assignment or transfer of real property, or segregate the use thereof, or represent that such real property is not available for inspection, when in fact it is so available, or expel or evict an occupant from real property or otherwise make unavailable or deny a dwelling because of the person's race, color, creed, religion, ancestry, national origin, age, sex, marital status, sexual orientation, parental status, political ideology, possession or use of a Section 8 certificate, or the presence of any sensory, mental or physical handicap, or the use of a trained guide or service dog by a handicapped person, or to discriminate against or segregate any person because of such person's race, color, religion, ancestry, national origin, age, sex, marital status, sexual orientation, parental status, political ideology, possession or use of a Section 8 certificate, or the presence of any sensory, mental or physical handicap or the use of a trained guide or service dog by a handicapped person in the terms, conditions or privileges of the sale, rental, lease, sublease, assignment, transfer or other disposition of any such real property, including but not limited to the setting of rates for rental or lease, or establishment of damage deposits, or other financial conditions for rental or lease, or in the furnishing of facilities or services in connection therewith.

B. It is an unfair real estate practice to unreasonably prohibit modifications needed by a handicapped tenant. Whether or not the landlord permits tenants in general to make alterations or additions to a structure or fixtures, it is an unfair practice for a landlord to refuse to make reasonable accommodations in rules, policies, practices,

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or services, when such accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy and dwelling, or to refuse to allow a person to make alterations or additions to existing premises occupied or to be occupied by a handicapped person, which are necessary to make the rental property accessible by handicapped persons, under the following conditions:

1. The landlord is not required to pay for the alterations, additions, or restoration.

2. The landlord may reserve the right to approve the design, quality, and construction of the alterations or additions in order to minimize damage to the building and enforce standards of quality and architectural compatability.

3. The landlord may, where it is reasonable to do so, condition permission for modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

C. It is an unfair real estate practice under this chapter for any person to design a building or structure that does not conform with the Federal Fair Housing Act as amended, 42 U.S.C. §3601 et seq., the Washington State Barrier Free Act, WAC Ch. 51-10, any other applicable laws pertaining to access by handicapped persons, or any rules or regulations promulgated thereunder. Whenever the requirements of the applicable laws shall differ, those which require greater accessibility for handicapped persons shall govern.

D. It is an unfair practice for any person or his or her agent or employee to commit an act which directly or indirectly requires any person to pay a larger sum than the uniform rates charged other persons, or to refuse or withhold from any person the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public accommodation, or to deny, directly or indirectly, any person the full enjoyment of any of the goods, services, accommodations, facilities, privileges or advantages in any place of public accommodation because of the person's race, color, religion, ancestry, sex, marital status, parental status, sexual orientation, political idology, creed, national origin, possession or use of a Section 8 rent certificate, sensory, mental or physical handicap, or the use of a trained guide or service dog by a handicapped person, except for conditions and limitations established by law and applicable to all persons regardless of race, color, religion, ancestry, sex, marital status, parental status, sexual orientation, political ideology, creed, national origin, possession or use of a Section 8 rent certificate, sensory, mental or physical handicap, or the use of a trained guide or service dog by a handicapped person.

E. It is an unfair practice for any person, agent or employee to print, circulate, post, mail or otherwise cause directly or indirectly to be published a statement, advertisement or sign which indicates directly or indirectly that the full enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation will be refused, withheld from, denied or in some manner limited or restricted toward an individual; or that an individual's patronage of or presence at a place of public accommodation is objectionable, unwelcome, unacceptable or undesirable because of a person's race, color, religion, creed, ancestry, national origin, sex, marital status, parental status, sexual orientation, possession or use of a Section 8 rent certificate, sensory, mental or physical handicap, or handicapped person's use of a trained guide or service dog.

(Ord. 116818 § 4, 1993: Ord. 114864 § 2, 1989: Ord. 113610 § 4, 1987: Ord. 112903 § 11, 1986: Ord. 109050 § 1(part), 1980: Ord. 108205 § 2(part), 1979: Ord. 104839 § 3(2), 1975.)

14.08.045Retaliation, harassment, or coercion.

A. It is an unfair practice under this chapter for any person to:

1. Aid, abet, incite, compel, or coerce the doing of any act defined in this chapter as an unfair practice; or to intimidate, harass, retaliate, obstruct or discriminate against a person in any manner because such person has complied with or proposes to comply with provisions of this chapter or has filed a charge or complaint, has testified, or has assisted in any proceeding under this chapter, or any order issued thereunder; or to attempt, either directly or indirectly, to commit any act defined in this chapter to be an unfair practice; or to apply any economic sanctions or to deny

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membership privileges because of compliance with the provisions of this chapter; or

2. Coerce, intimidate, threaten, or otherwise interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the excercise or enjoyment of any right granted or protected under this chapter.

B. Any unfair practice under this section which has the purpose or effect of denying a person the right to be free from discrimination in real estate practices or the right to quiet or peaceful possession or enjoyment of real property (other than as a place of public accommodation), interfering with a person's compliance with the provisions of this chapter prohibiting unfair real estate practices, or interfering with a person's filing of a charge or assisting in any proceeding relating to an unfair real estate practice under this chapter, is an unfair real estate practice.
(Ord. 116818 § 5, 1993.)

14.08.050Refusal or failure to list or show property.

It is an unfair real estate practice for any real estate broker or real estate agent, salesperson or employee to, because of race, color, religion, ancestry, national origin, age, sex, marital status, sexual orientation, parental status, political ideology of, or possession, use, or attempted use of use a Section 8 rent certificate by, an occupant, purchaser, prospective occupant, or prospective purchaser:

A. Refuse or intentionally fail to list or discriminate in listing real property for sale, rent, lease or sublease;

B. Refuse or intentionally fail to show a prospective occupant real property listed for sale, rental, lease or sublease;

C. Refuse or intentionally fail to accept and/or transmit to an owner any reasonable offer to purchase, lease, rent or sublease real property.
(Ord. 116818 § 6, 1993: Ord. 114864 § 3, 1989: Ord. 109050 § 1(part), 1980: Ord. 108205 § 2(part), 1979: Ord. 104839 § 3(3), 1975.)

14.08.055Participation in multiple listing service.

It is an unfair real estate practice to deny a person access to, or membership or participation in, a multiple listing service or real estate brokers' organization or other service because of race, color, creed, religion, ancestry, national origin, age, sex, marital status, sexual orientation, parental status, political ideology, possession or use of a Section 8 certificate, or the presence of any sensory, mental, or physical handicap.
(Ord. 116818 § 7, 1993.)

14.08.060Discrimination in real estate-related transactions.

It is an unfair real estate practice for any lender, or any agent or employee thereof, to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, or maintenance of any real property, or any other person whose business includes engaging in real estate-related transactions, to:

A. Discriminate against any person, prospective occupant or tenant of real property in the granting, withholding, extending, making available, modifying or renewing, or in the rates, terms, conditions or privileges of, any such financial assistance, or in the extension of services in connection therewith; or

B. Use any form of application for such financial assistance or make any record of inquiry in connection with applications for such financial assistance which expresses, directly or indirectly, any limitation, specification, or discrimination because of race, color, religion, ancestry, national origin, sex, age, marital status, sexual orientation, parental status, political ideology, possession or use of a Section 8 rent certificate, or the presence of any sensory, mental or physical handicap or the use of a trained guide or service dog by a handicapped person, unless required or authorized by local, state or federal laws or agencies for the purpose of preventing discrimination in real property; provided that nothing in this provision shall prohibit any party to a credit transaction from requesting designation of marital status for the purpose of considering application of community property law to the individual case or from taking reasonable action thereon or from requesting information regarding age, parental status, or possession or use of a Section 8 rent certificate when such information is necessary to determine the appli-cant's ability to repay the loan.
(Ord. 116818 § 8, 1993: Ord. 114864 § 4, 1989: Ord. 112903 § 12, 1986; Ord. 109050 § 1(part),

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1980: Ord. 108205 § 2(part), 1979: Ord. 104839 § 3(4), 1975.)

14.08.070Unfair inquiries or advertisements.

It is an unfair real estate practice for any owner, real estate agent, salesperson or employee, real estate broker, or any other person, to:

A. Require any information, make or keep any record, or use any form of application containing questions or inquiries concerning race, color, religion, ancestry, national origin, age, sex, marital status, sexual orientation, parental status, political ideology, possession or use of a Section 8 rent certificate, the presence of any sensory, mental or physical handicap, or the use of a trained guide or service dog by a handicapped person in connection with the sale, rental, lease or sublease of any real property unless used solely:

1. For making reports required by agencies of the federal, state or local government for the purposes of preventing and eliminating discrimination or of overcoming its effects or for other purposes authorized by federal, state or local agencies or laws or rules adopted thereunder,

2. As to "marital status," for the purpose of determining applicability of community property law to the individual case, and

3. As to "age," for the purpose of determining that the applicant has attained the age of majority, or in the case of housing exclusively for older persons as described in SMC Section 14.08.190 E, for the purpose of determining the eligibility of the applicant;

B. Publish, circulate, issue or display or cause to be published, circulated, issued or displayed, any communication, notice, advertisement, or sign of any kind relating to the sale, rental, lease, sublease, assignment, transfer, or listing of real property which indicate any preference, limitation or specification based on race, color, religion, ancestry, national origin, age, sex, marital status, sexual orientation, parental status, political ideology or the presence of any sensory, mental or physical handicap, or the use of a trained guide or service dog by a handicapped person.

(Ord. 116818 § 9, 1993: Ord. 114864 § 5, 1989: Ord. 112903 § 13, 1986; Ord. 109050 § 1(part), 1980: Ord. 108205 § 2(part), 1979: Ord. 104839 § 3(5), 1975.)

14.08.080Unfair inducement to sell or rent—Blockbusting; steering persons to particular areas.

It is an unfair real estate practice for any owner, real estate agent, salesperson or employee, real estate broker, or any other person, to, for profit:

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A. Promote, induce or attempt to promote or induce any person to sell or rent any real property by representation regarding the entry or prospective entry into the neighborhood or area of a person or persons of a particular race, color, religion, ancestry, national origin, age, sex, marital status, sexual orientation, parental status, political ideology, or who possess, use or attempt to use a Section 8 rent certificate, or who have any sensory, mental or physical handicap, or handicapped persons who use a trained guide or service dog;

B. Show or otherwise take any action, the design or effect of which is to steer a person or persons to any section of the City or to particular real property in a manner tending to segregate or maintain segregation on the basis of race, color, religion, ancestry, national origin, age, sex, marital status, sexual orientation, parental status, political ideology, possession or use of a Section 8 rent certificate, the presence of any sensory, mental or physical handicap, or the use of a trained guide or service dog by a handicapped person.

(Ord. 116818 § 10, 1993: Ord. 114864 § 6, 1989: Ord. 112903 § 14, 1986: Ord. 109050 § 1(part), 1980: Ord. 108205 § 2(part), 1979: Ord. 104839 § 3(6), 1975.)

14.08.090Denial of right granted under this chapter—Prohibited.

A. It is an unfair practice under this chapter for any person, whether or not acting for profit, to harass, intimidate, or otherwise abuse or discriminate against any person or person's friends or associates because of the race, color, religion, ancestry, national origin, age, sex, marital status, sexual orientation, parental status, political ideology, possession or use of a Section 8 rent certificate, the presence of any sensory, mental or physical handicap, or the use of a trained guide or service dog by a handicapped person with the purpose or effect of denying to such person the rights granted in this chapter or the right to quiet or peaceful possession or enjoyment of any real property or the full enjoyment of any place of public accommodation.

B. Any unfair practice under this section which has the purpose or effect of denying a person the right to be free from discrimination in real estate practices or the right to quiet or peaceful possession or enjoyment of real property (other than as a place of public accommodation) is an unfair real estate practice.

(Ord. 116818 § 11, 1993: Ord. 114864 § 7, 1989: Ord. 113610 § 15, 1986: Ord. 109050 § 1(part), 1980: Ord. 108205 § 2(part), 1979: Ord. 104839 § 3(7), 1975.)

14.08.095Enforcement by private persons.

A. Any person who claims to have been injured by an unfair real estate practice, or who believes that he or she will be injured by an unfair real estate practice that is about to occur, may commence a civil action in King County Superior Court not later than one (1) year after the occurrence or the termination of an alleged unfair real estate practice, whichever occurs last, to obtain appro-praite relief with respect to such unfair real estate practice.

B. The computation of such one-year period shall not include any time during which an administrative proceeding under this chapter was pending with respect to a complaint or charge under this chapter alleging an unfair real estate practice based on the same facts or occurrences.

C. A complaint may be filed under this section whether or not an administrative charge has been filed under SMC Section 14.08.100, and without regard to the status of such charge, but if the Department or the U.S. Department of Housing and Urban Development has obtained a pre-finding or post-finding settlement or concilication agreement with the consent of the charging party, no action may be filed under this section with respect to the alleged unfair real estate practice which forms the basis for such complaint except for the purpose of enforcing the terms of such agreement.

D. No civil action may be commenced under this section with respect to an alleged unfair real estate practice which forms the basis of a complaint if a hearing on the record has been commenced by the City of Seattle Office of the Hearing Examiner.

E. In a civil action under this section, if the court finds that an unfair real estate practice has occurred or is about to occur, the court may grant as relief, as it deems appropriate, any permanent

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or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in such practice or ordering such affirmative action as may be appropriate. The court may also award actual damages, including damages for humiliation and mental suffering, and any other appropriate remedy set forth in the Federal Fair Housing Amendments Act (P.L. 100-430). The court may also allow reasonable attorney's fees and costs to the prevailing party.

F. Relief granted under this section shall not affect any contract, sale, encumbrance, or lease consummated before the granting of such relief and involving a bona fide purchaser, encumbrancer, or tenant, without actual notice of the filing of a charge or civil action under this chapter.

G. Upon timely application, the City Attorney may intervene in such civil action, if the City Attorney certifies that the case is of general public importance, and may obtain such relief as would be available in an action brought under SMC Section 14.08.165.

(Ord. 116818 § 12, 1993.)

14.08.100Charge—Filing.

A. A charge alleging an unfair practice under this chapter shall be in writing and signed under oath or affirmation by or on behalf of a charging party before the Director, one of the Department's employees, or any other person authorized to administer oaths. The charge shall describe the unfair practice complained of and should include a statement of the dates, places and circumstances, and the persons responsible for such acts and practices. Upon the filing of a charge alleging an unfair practice, the Director shall cause to be served upon the charging party a written notice acknowledging the filing, and notifying the charging party of the time limits and choice of forums provided in this chapter.

B. Whenever charges are made on behalf of a person claiming to be aggrieved, the person making the charge must provide the Director with the name, address and telephone number of the individual on whose behalf the charge is made. Thereafter, the Director shall verify the authorization of such charge by the person on whose behalf the charge is made and upon the request of such person may keep his or her identity confidential.

C. A charge shall not be rejected as insufficient because of failure to include all required information so long as it substantially satisfies the informational requirements necessary for processing.

D. A charge alleging an unfair practice or pattern of unfair practices under this chapter may also be filed by the Director whenever the Director has reason to believe that any person has been engaged or is engaging in an unfair practice under this chapter.

(Ord. 116818 § 13, 1993: Ord. Ord. 109208 § 1(part), 1980: Ord. 108205 § 3(part), 1979: Ord. 106476 § 1(part), 1977: Ord. 104839 § 4(A), 1975.)

14.08.110Time for filing charges.

Charges filed under this chapter must be filed with the Department within one hundred eighty (180) days after the occurrence of the alleged unfair practice.

(Ord. 118392 § 35, 1996: Ord. 116818 § 14, 1993: Ord. 109208 § 1(part), 1980: Ord. 108205 § 3(part), 1979: Ord. 106476 § 1(part), 1977: Ord. 104839 § 4(B), 1975.)

14.08.120Charge—Amendments.

A. The charging party or the Department may amend a charge:

1. To cure technical defects or omissions;
2. To clarify allegations made in the charge;
3. To add allegations related to or arising out of the subject matter set forth or attempted to be set forth in the charge; or
4. To add or substitute as a respondent a person who was not originally named as a respondent, but who is, during the course of the investigation, identified as a respondent. For jurisdictional purposes, such amendments shall relate back to the date the original charge was first filed.

B. The charging party may amend a charge to include allegations of retaliation which arose after the filing of the original charge. Such amendment must be filed within one hundred eighty (180) days after the occurrence of the retaliation, and prior to the Department's issuance of findings of fact and determination with respect to the original charge. Such amendments may be made at any time during the investigation of the original charge so long as the Department will have adequate time to investigate the additional allegations and the parties will have adequate time to

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present the Department with evidence concerning the additional allegations before the issuance of findings of fact and a determination.

C. When a charge is amended to add or substitute a respondent, the Director shall serve upon the new respondent:

1. The amended charge;

2. The notice required under section 14.08.130 A; and

3. A statement of the basis for the Director's belief that the new respondent is properly named as a respondent. For jurisdictional purposes, amendment of a charge to add or substitute a respondent shall relate back to the date the original charge was first filed.

(Ord. 118392 § 36, 1996; Ord. 116818 § 15, 1993: Ord. 113144 § 3, 1986: Ord. 112903 § 16, 1986: Ord. 109208 § 1(part), 1980: Ord. 108205 § 3(part) 1979: Ord. 106476 § 1(part), 1977: Ord. 104839 § 4(C), 1975.)

14.08.130Notice of charge and investigation.

A. The Director shall promptly, and in any event within twenty (20) days of filing of the charge, cause to be served on or mailed, by certified mail, return receipt requested, to the respondent, a copy of the charge along with a notice advising the respondent of respondent's procedural rights and obligations under this chapter. The Director shall promptly make an investigation of the charge.

B. The investigation shall be directed to ascertain the facts concerning the unfair practice alleged in the charge, and shall be conducted in an objective and impartial manner.

C. During the investigation the Director shall consider any statement of position or evidence with respect to the allegations of the charge which the charging party or the respondent wishes to submit, including the respondent's answer to the charge. The Director shall have authority to sign and issue subpoenas requiring the attendance and testimony of witnesses, the production of evidence including but not limited to books, records, correspondence or documents in the possession or under the control of the person subpoenaed, and access to evidence for the purpose of examination and copying, and conduct discovery procedures which may include the taking of interrogatories and oral depositions.

D. The Director may require a fact finding conference or participation in another process with the respondent and any of respondent's agents and witnesses and charging party during the investigation in order to define the issues, determine which elements are undisputed, resolve those issues which can be resolved, and afford an opportunity to discuss or negotiate settlement. Parties may have their legal counsel present if desired.

(Ord. 118392 § 37, 1996; Ord. 116818 § 16, 1993: Ord. 109208 § 2, 1980: Ord. 104839 § 5, 1975.)

14.08.135Procedure in cases alleging unfair real estate practices.

The following procedure shall apply to the investigation of charges of unfair real estate practices filed under this chapter:

A. A respondent may file with the Department an answer to the charge no later than ten (10) days after receiving notice of the charge.

B. The Director shall commence investigation of the charge within thirty (30) days after the filing of the charge. The investigation shall be completed within one hundred (100) days after the filing of the charge, unless it is impracticable to do so. If the Director is unable to complete the investigation within one hundred (100) days after the filing of the charge, the Director shall notify the charging party and the respondent of the reasons therefor. The Director shall make final administrative disposition of a charge within one (1) year of the date of filing of the charge, unless it is impracticable to do so. If the Director is unable to make a final administrative disposition within one (1) year of the filing of the charge, the Director shall notify the charging party and the respondent of the reasons therefor.

C. If the Director determines that it is necessary to carry out the purposes of this chapter, the Director may, in writing, request the City Attorney to seek prompt judicial action for temporary or preliminary relief to enjoin any unfair real estate practice pending final disposition of a charge.

(Ord. 116818 § 17, 1993.)

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14.08.140 Findings of fact and determination of reasonable cause or no reasonable cause.

A. The results of the investigation shall be reduced to written findings of fact and a determination shall be made by the Director that there is or is not reasonable cause for believing that an unfair practice has been or is being committed, which determination shall also be in writing and issued with the written findings of fact. With respect to the findings and determination, "issued" shall be defined as signed and deleted by the Director.

B. The findings of fact and determination shall be mailed promptly to the respondent and charging party.

C. Once issued to the parties, the Director's findings of fact, determination and order may not be amended or withdrawn except upon the agreement of the parties or in response to an order by the Human Rights Commission after an appeal taken pursuant to Section 14.08.150; provided, that the Director may correct clerical mistakes or errors arising from oversight or omission upon a motion from a party or upon the Director's own motion.

(Ord. 118392 § 38, 1996; Ord. 112903 § 17, 1986; Ord. 109208 § 3, 1980: Ord. 104839 § 6, 1975.)

14.08.150 Determination of no reasonable cause—Appeal from and dismissal.

If a determination is made that there is no reasonable cause for believing an unfair practice under this chapter has been committed, the charging party shall have the right to appeal such determination to the Commission within thirty (30) days of the date the determination is signed by the Director by filing a written statement of appeal with the Commission. The Commission shall promptly deliver a copy of the statement to the Department and respondent and shall promptly consider and act upon such appeal by either affirming the Director's determination or remanding it to the Director with appropriate instructions. In the event no appeal is taken or such appeal results in affirmance or if the Commission has not decided the appeal within the sixty (60) days allotted, the determination of the Director shall be final and the charge deemed dismissed and the same shall be entered on the records of the Department. Any party aggrieved by the final dismissal may appeal the order on the record to an appropriate court.

(Ord. 118392 § 39, 1996: Ord. 116818 § 18, 1993: Ord. 109208 § 4, 1980: Ord. 104839 § 7, 1975.)

14.08.160 Determination of reasonable cause—Conciliation and settlement.

A. If a determination is made that reasonable cause exists to believe that an unfair practice has occurred, the Director shall endeavor to eliminate the unfair practice by conference, conciliation and persuasion. Conditions of settlement may include (but are not limited to) the elimination of the unfair practice, rent refunds or credits, reinstatement to tenancy, affirmative recruiting or advertising measures, payment of actual damages, damages for loss of the right to be free from discrimination in real estate transactions, damages for loss of the right to full enjoyment of any place of public accommodation, attorney's fees or such other remedies that will effectuate the purposes of this chapter, including action which could be ordered by a court, except that in charges alleging an unfair practice with respect to public accommodations, damages for humiliation and mental suffering shall not exceed Ten Thousand Dollars ($10,000.00). In charges alleging an unfair real estate practice, filed under this chapter, the Director may also require payment of a civil penalty, as set forth in SMC Section 14.08.185.

B. Any settlement or conciliation agreement shall be an agreement between the charging party and the respondent and shall be subject to the approval of the Director. An order shall then be entered by the Director setting forth the terms of the agreement. Copies of such order shall be delivered to all affected parties. The conciliation agreement shall be made public unless the complainant and the respondent otherwise agree and the Director determines that disclosure is not required to further the purposes of this chapter.

C. If conciliation is not successful and no agreement can be reached, the Director shall issue a written finding to that effect and furnish a copy of the finding to the charging party and to the respondent. Upon issuance of the finding, except a case in which a City department is a respondent, the Director shall promptly cause to be delivered the entire investigatory file, including the charge and any and all findings made, to the City

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Attorney for further proceedings and hearing under this chapter pursuant to Section 14.08.170. (Ord. 117615 § 5, 1995: Ord. 116818 § 19, 1993: Ord. 112903 § 18, 1986; Ord. 109208 § 5, 1980: Ord. 104839 § 8, 1975.)

14.08.165Election of civil action in cases of unfair real estate practices.

A. Following the issuance of a finding of unsuccessful conciliation, any charging party on whose behalf the reasonable cause finding was made, or a respondent, may, with respect to an unfair real estate practice, elect to have the claims on which reasonable cause was found decided in a civil action under this section in lieu of an administrative hearing under SMC Sections 14.08.170 and 14.08.180. This election must be made not later than twenty (20) days after issuance of the finding of unsuccessful conciliation. The person making such election shall give notice of doing so to the Department and to all other charging parties and respondents to whom the charge relates.

B. If an election is made under subsection A of this section, the City Attorney shall commence, within thirty (30) days after the election is made, a civil action in the King County Superior Court to decide on the claim.

C. Any aggrieved person may intervene as of right in the civil action. For purposes of this subsection, "aggrieved person" means a person who claims to have been injured by, or believes that he or she will be injured by, an unfair real estate practice that is the subject matter of the civil action.

D. In a civil action under this section, if the court finds that an unfair real estate practice has occurred or is about to occur, the court may grant any relief including but not limited to actual damages, injunctive or equitable relief, and any other appropriate remedy set forth in the Federal Fair Housing Amendments Act (P.L. 100-430). The court may also assess a civil penalty as set forth in SMC Section 14.08.185. If monetary relief is sought for the benefit of a person who could have intervened under subsection C of this section, but who did not intervene in the civil action, the court shall not award such relief if that person has not complied with discovery orders entered by the court.

E. In any proceeding under this section, the court may award attorney fees and costs to the prevailing party. Attorney fees and costs may be assessed against a person who intervenes by filing a notice of independent appearance in the civil action only to the extent that the intervening participation was frivolous or vexatious, or was for the purpose of harassment. (Ord. 116818 § 20, 1993.)

14.08.170Complaint and hearing.

A. Following submission of the investigatory file from the Director, the City Attorney shall, except as set forth in subsection B of this section, prepare a complaint against such respondent relating to the charge and facts discovered during the investigation thereof and prosecute the same in the name and on behalf of the Department and the City at a hearing therefor before the Hearing Examiner sitting alone or with representatives of the Commission as provided in this chapter and to appear for and represent the interests of the Department and the City at all subsequent proceedings.

B. If the City Attorney determines that there is no legal basis for a complaint to be filed or proceedings to continue, a statement of the reasons therefor shall be filed with the Department. The Director shall then dismiss the charge. Any party aggrieved by the dismissal may appeal the dismissal to an appropriate court.

C. The complaint shall be served on respondent in the usual manner provided by law for service of complaints and filed with the Seattle Hearing Examiner. A copy of such complaint shall be furnished charging party.

D. Within twenty (20) days of the service of such complaint upon it, the respondent shall file its answer with the Hearing Examiner and serve a copy of the same on the City Attorney.

E. Upon the filing of the complaint, the Hearing Examiner shall promptly establish a date for the hearing of such complaint and give notice thereof to the Commission, the City Attorney and respondent, and shall thereafter hold a public hearing on the complaint, which hearing shall commence no earlier than ninety (90) days nor later than one hundred twenty (120) days from the filing of the complaint, unless otherwise ordered by the Hearing Examiner.

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F. After the filing of a complaint with the Hearing Examiner, it may be amended only with the permission of the Hearing Examiner, which permission shall be granted when justice will be served thereby and all parties are allowed time to prepare their case with respect to additional or expanded charges which they did not and could not have reasonably foreseen would be in issue at the hearing.

G. The hearing shall be conducted by a Hearing Examiner from the Office of Hearing Examiner, or a hearing examiner pro tempore appointed by the Hearing Examiner from a list approved by the Commission, sitting alone or with representatives of the Commission if any are designated. Such hearings shall be conducted in accordance with written rules and procedures consis-

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tent with this chapter and the Administrative Code of the City (Ordinance 102228).[1]

H. The Commission, within thirty (30) days after notice of the date of hearing from the Hearing Examiner, at its discretion, may appoint two (2) of its members who have not otherwise been involved in the charge, investigation, fact finding, or other resolution and proceeding on the merits of the case, who have not formed an opinion on the merits of the case, and who otherwise have no pecuniary, private or personal interest or bias in the matter, to hear the case with the Hearing Examiner. If the Commission has designated representatives they shall each have an equal vote with the Hearing Examiner, except the Hearing Examiner shall be the chairperson of the panel and make all evidentiary rulings. Should a question arise as to previous involvement, interest or bias of an appointed Commissioner, the Hearing Examiner shall resolve the issue in conformance with the law on the subject. Any reference in this chapter to a decision, order, or other action of a Hearing Examiner shall include, when applicable, the decision, order, or other action of a panel constituted under this subsection.

(Ord. 116818 § 21, 1993: Ord. 109208 § 6, 1980: Ord. 104839 § 9, 1975.)

1.Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

14.08.180Decision and order.

A. Within thirty (30) days after conclusion of the hearing, the Hearing Examiner presiding at the hearing (or the Examiner and Commissioners as the case may be) shall prepare a written decision and order. The final decision shall be filed as a public record with the City Clerk, and copies thereof mailed to each party of record and to the Department.

B. Such decision shall contain a brief summary of the evidence considered and shall contain findings of fact, conclusions of law upon which the decision is based, and an order detailing the relief deemed appropriate, together with a brief statement of the reasons therefor.

C. In the event the Hearing Examiner (or a majority of the panel composed of the Examiner and Commissioners), determines that a respondent has committed an unfair practice under this chapter, the Hearing Examiner (or panel majority) may order the respondent to take such affirmative action or provide for such relief as is deemed necessary to correct the practice, effectuate the purpose of this chapter, and secure compliance therewith, including but not limited to, rent refund, or credit, reinstatement to tenancy, affirmative recruiting and advertising measures,

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attorney's fees or to take such other action as in the judgment of the Hearing Examiner (or panel majority) will effectuate the purposes of this chapter. The Hearing Examiner (or panel majority) may grant any relief that could be ordered by a court, including actual damages, damages for loss of the right to be free from discrimination in real estate transactions, damages for loss of the right to full enjoyment of any place of public accommodation, injunctive or equitable relief, any other appropriate remedy set forth in the Federal Fair Housing Amendments Act (P.L. 100-430), and assessment of civil penalties as set forth in SMC Section 14.08.185, except that in charges alleging an unfair practice with respect to public accommodations, damages for humiliation and mental suffering shall not exceed Ten Thousand Dollars ($10,000.00). An order may include the requirement for a report on the matter of compliance.

D. Any person aggrieved by a final order of the Hearing Examiner (or panel majority) may appeal the order on the record to an appropriate court.

E. The Department in the performance of its functions may enlist the aid of all departments of City government, and all said departments are directed to fully cooperate therewith.

(Ord. 117615 § 6, 1995: Ord. 116818 § 22, 1993: Ord. 113610 § 6, 1987; Ord. 112903 § 19, 1986; Ord. 109208 § 7, 1980: Ord. 104839 § 10, 1975.)

14.08.185Civil penalty in cases alleging unfair real estate practices.

A. In cases alleging unfair real estate practices filed under this chapter, in addition to any other award of damages or grant of injunctive relief, a civil penalty may be assessed against the respondent. Payment of the civil penalty may be required as a term of a conciliation agreement entered into under SMC Section 14.08.160 A, or may be ordered by the Hearing Examiner (or panel majority) in a decision rendered under SMC Section 14.08.180 or by a court of competent jurisdiction in a proceeding filed under SMC Section 14.08.165.

B. The civil penalty assessed against a respondent shall not exceed the following amount:

1. Ten Thousand Dollars ($10,000.00) if the respondent has not been determined to have committed any prior unfair real estate practice;

2. Twenty-five Thousand Dollars ($25,000.00) if the respondent has been determined to have committed one (1) other unfair real estate practice during the five (5) year period ending on the date of the filing of this charge; or

3. Fifty Thousand Dollars ($50,000.00) if the respondent has been determined to have committed two (2) or more unfair real estate practices during the seven (7) year period ending on the date of the filing of this charge;

except that if acts constituting the unfair real estate practice that is the subject of the charge are committed by the same natural person who has been previously determined to have committed acts constituting an unfair real estate practice, then the civil penalties set forth in subparagraphs 2 and 3 of subsection B of this section may be imposed without regard to the period of time within which those prior acts occurred. For purposes of this section, "unfair real estate practice" shall include, without limitation, any violation of SMC Sections 14.08.040 A or B; 14.08.050; 14.08.060; 14.08.170 A or B; or 14.08.180; as in effect at the time of the violation, whether or not the violation was then deemed an "unfair real estate practice" under such section.

(Ord. 116818 § 23, 1993.)

14.08.187Enforcement of administrative orders.

A. In any case in which a final order of the Director or of the Hearing Examiner directed to the City, or to any department, division, board or agency thereof, is not complied with, a copy of the order shall be transmitted to the Mayor, who shall take appropriate action to secure compliance therewith.

B. In the event that any final order of the Director or of the Hearing Examiner not directed to the City, or to any department, division, board, or agency thereof, is not complied with, the Director or the Hearing Examiner, as the case may be, shall notify the City Attorney, who shall petition the appropriate court to secure enforcement of or compliance with the order, or to impose penalties as set forth in this chapter, or both. The City Attorney shall certify and file with the court the final order sought to be enforced. The City Attorney shall cause a notice of the petition to be sent by certified mail to all parties or their representatives.

C. If, within sixty (60) days after the date the Hearing Examiner's order concerning an unfair housing practice is entered, no petition has been filed under subsection B of this section, any

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person entitled to relief under the final order may petition the superior court for a decree enforcing the order.
(Ord. 116818 § 24, 1993.)

14.08.190Exclusions.

Nothing in this chapter shall:

A. Apply to the renting, subrenting, leasing or subleasing of a single-family dwelling, wherein the owner or person entitled to possession thereof maintains a permanent residence, home or abode;

B. Be interpreted to prohibit any person from making a choice among prospective purchasers or tenants of real property on the basis of factors other than race, color, religion, ancestry, national origin, age, sex, marital status, parental status, sexual orientation, political ideology, creed, possession or use of a Section 8 rent certificate, or presence of any sensory, mental or physical handicap, where such factors are not designed, intended or used to discriminate;

C. Prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin;

D. Prohibit any person from limiting the rental or occupancy of housing accommodations in any YWCA, YMCA, sorority, fraternity, school dormitory, or similar residential hall to persons of one sex;

E. Prohibit any person from limiting the rental or occupancy of housing accommodations to persons who are elderly or handicapped in any housing facility designed, constructed or substantially rehabilitated and operated exclusively for older persons, as defined by the Federal Fair Housing Act, as amended, 42 U.S.C. Sec. 3607 (b)(1) through (4) as of the effective date of the ordinance codified in this chapter, or for the handicapped;

F. Require any person to rent or lease a housing accommodation to an unemancipated minor;

G. Require any person to rent or lease a housing accommodation in violation of the Housing Code (Ordinance 106319);[1]

H. Be construed to prohibit treating handicap-ped persons more favorably than non-handicapped persons;

I. Be construed to protect criminal conduct;

J. Prohibit any person from limiting the rental or occupancy of housing accommodations on the

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basis of conduct by an occupant or prospective occupant which involves the use of force or violence or advocacy directed to producing or inciting imminent force or violence to the person or property of the owner, manager, or other person having the right to sell, rent, lease, assign, transfer or otherwise dispose of the real property occupied or sought to be occupied.

K. As it pertains to place of public accommodations, be construed to include or apply to any institute, bona fide club or place of accommodation which is by its nature distinctly private, though where public use is permitted that use shall be covered by this chapter; nor be construed to apply to any noncommercial facility operated or maintained by a bona fide religious institution;

L. As it pertains to place of public accommodation, be construed to require structural changes, modifications, or additions to make any place accessible to a handicapped person except as otherwise provided by law;

M. Be construed to prohibit any person from denying another person the full enjoyment of a place of public accommodation because of actions by the person seeking full enjoyment of the place of public accommodation that constitute a risk to property or to other persons.

(Ord. 116818 § 25, 1993; Ord. 114864 § 8, 1989; Ord. 113610 § 7, 1987; Ord. 112903 § 20, 1986; Ord. 109208 § 8, 1980: Ord. 108205 § 4, 1979: Ord. 104839 § 11, 1975.)

1.Editor's Note: The Housing Code is codified in Title 22 of this Code.

14.08.200Unlawful conduct and penalties.

It is unlawful for any person to wilfully engage in an unfair practice under this chapter or wilfully resist, prevent, impede or interfere with the Director or Hearing Examiner in the performance of their duties under this chapter, or to fail, refuse, or neglect to comply with any lawful order of the Director or Hearing Examiner.

(Ord. 109208 § 9, 1980: Ord. 104839 § 12, 1975.)

14.08.205Construction with other laws.

Nothing in this chapter shall invalidate or restrict any right or remedy of any charging party or respondent under state or federal law nor preclude such party from seeking judicial review of any final administrative decision or order made under this chapter.

(Ord. 109208 § 10, 1980: Ord. 104839 § 15, 1975.)

14.08.210Cooperative agreements.

Nothing in this chapter shall be interpreted to prevent the receiving, referring, or other processing of complaints, in accordance with a cooperative agreement with the Washington State Human Rights Commission as authorized and mandated by RCW 49.60.226 or with other agencies concerned with the enforcement of laws against discrimination.

(Ord. 109208 § 11, 1980: Ord. 104839 § 16, 1975.)

14.08.215Application to pending charges and complaints.

The procedures for administration and enforcement under this chapter shall apply to charges pending which have not had a date certain set for hearing as of the effective date of the ordinance codified in this chapter.[1] However, this section shall not be construed to invalidate any administrative action taken or determinations and orders made on pending charges because of the procedures provided by this chapter.

(Ord. 109208 § 12, 1980.)

1.Editor's Note: Ordinance 109208 became effective August 20, 1980.

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Chapter 14.12
COLLECTION OF INFORMATION FOR LAW ENFORCEMENT PURPOSES

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Statutory Reference: For comparable or useful statutory provisions regarding the dissemination of criminal records, see RCW 10.97.070; for statutory provisions regarding the disclosure of public records, see RCW Ch. 42.17.

Severability: If any provision of this chapter, or its application to any person or circumstances, is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.
(Ord. 110572 § 40, 1982: Ord. 108333 § 41, 1979.)

Subchapter I General Provisions

14.12.010Statement of purpose.

This chapter shall be interpreted and implemented in a manner to permit the collection and recording of information for law enforcement purposes, so long as these police activities do not unreasonably: (a) infringe upon individual rights, liberties, and freedoms guaranteed by the Constitution of the United States or of the State — including,

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among others, the freedom of speech, press, association, and assembly; liberty of conscience; the exercise of religion; and the right to petition government for redress of grievances; or (b) violate an individual's right to privacy. This ordinance is not intended to protect criminal activity.

(Ord. 110572 § 1, 1982: Ord. 108333 § 1, 1979.)

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14.12.020Policies.

The following policies shall govern the collection and recording of information by **department personnel**:

A. No person shall become the subject of the collection of information on account of a lawful exercise of a constitutional right or civil liberty; no information shall be collected upon a person who is active in politics or community affairs, unless under the same or similar circumstances the information would be collected upon another person who did not participate actively in politics or community affairs;

B. All information collected shall reasonably appear relevant to the performance of an authorized police function; no information shall be collected or used for political purposes;

C. When a police officer knows of two (2) or more techniques to collect **restricted information** and each would be equally practical and effective, the officer should use the technique which he reasonably believes will have the least adverse impact upon lawful political and/or religious activity;

D. Information indexed for ready retrieval, other than correspondence files, shall be reviewed periodically and only that deemed relevant to present and future law enforcement activities or required by law shall be retained;

E. To protect the rights of privacy of the citizenry and to preserve the confidentiality of communications, disclosure of information shall be limited to records open for public inspection, to arrest notices and information disclosed to the public for law enforcement purposes, and/or to information needed by: (1) criminal justice agencies in the performance of their official functions; (2) persons with a legitimate interest in the information and persons making inquiry with their consent; (3) persons with a right to disclosure under a statute, implementing regulation, ordinance, or court order; (4) persons conducting research for scientific or law enforcement purposes under assurance of confidentiality; and (5) agencies with regulatory responsibilities for which the information is pertinent; and

F. Disclosure of information from records closed to public inspection shall be limited to those facts and materials reasonably deemed relevant to the purposes for the disclosure, unless the disclosure occurs pursuant to a subpoena or court order, the Public Disclosure Act (Chapter 42.17 RCW), the Criminal Records Privacy Act (RCW 10.97.070), or other statute mandating disclosure, or the subject of the information consents to its disclosure.

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(Ord. 110640 § 1, 1982; Ord. 110572 § 2, 1982: Ord. 108333 § 2, 1979.)

14.12.030Definitions.

When the following words or their derivations are **emphasized**, the definitions below apply:

A. "Auditor" means the person described in Section 14.12.310.

B. "Collect" means to write down, or preserve in another tangible form, information as a record or file of the **Department**, which is retrievable by **Department personnel**. "Collect" excludes making personal notes which are not retrievable by other **Department personnel**.

C. "Department" means the Police Department of The City of Seattle.

D. "Departmental personnel" means an officer or employee of the City assigned to the **Department**, and any individual paid by the City pursuant to vouchers drawn by the Chief of the **Department** or a fiscal officer assigned to the **Department** and acting under the direction and control of an officer or employee in the **Department**.

E. "Infiltrator" means a person acting under the direction of the **Department** who is a member or associate — or poses or acts as a member or associate — of a political or religious organization, an organization formed for the protection or advancement of civil rights or civil liberties, or an organization formed for community purposes, and who agrees to provide or provides information about the organization to the **Department** on a continuing basis without disclosing his or her relationship to the **Department**.

F. "Informant" means a **person** other than an officer or employee of the City assigned to the **Department**:

1. Who provides information to **departmental personnel** about a **person** in consideration of a personal benefit; or

2. Who is engaged, directed, or controlled by the **Department**.

G. "Person" means any individual, group of individuals, unincorporated association, and/or corporation. "Person" excludes a government or agency thereof.

H. "Private sexual information," when not emphasized in Sections 14.12.060, 14.12.070, 14.12.080, and 14.12.090 D, means any information about an individual's sexual practices or orientation. When **emphasized**, it excludes any such information within the scope of Sections 14.12.070 through 14.12.120 dealing with administrative records, incidental references, confidential communications, materials open to public inspection, special investigations, and exclusions, respectively.

I. "Purge" means to return, destroy, or deny use of information by means such as returning to the sender or removal to a secure depository with access restricted solely to specific individuals for purposes of defending a lawsuit, complying with a court order, preserving evidence possibly valuable to a defendant in a criminal case or pending commitment proceeding, and auditing compliance with this chapter or state laws regarding records retention or public disclosure. "Purge" shall include deletion of information from affected materials and from **Department** indexes. Nothing in this chapter shall prohibit indexing of materials within a secure depository.

J. "Reasonable suspicion" means a rational inference that is based on articulable facts.

K. "Restricted information," when not **emphasized** in Sections 14.12.060, 14.12.070, 14.12.080, 14.12.090 D, 14.12.250, 14.12.350 A3, and 14.12.370, means any information within subsections 1 through 3 of this subsection K. When **emphasized**, it excludes any such information within the scope of Sections 14.12.070 through 14.12.120 dealing with administrative records, incidental references, confidential communications, materials open to public inspection, special investigations, and exclusions, respectively. "Restricted information" means information about:

1. An individual's political or religious associations, activities, beliefs, or opinions;

2. The political or religious activities, beliefs, or opinions and the membership, mailing, subscription, or contributor lists of a political or religious organization, an organization formed for the protection or advancement of civil rights or civil liberties, or an organization formed for community purposes; or

3. An individual's membership or participation in such an organization, in a political or

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religious demonstration, or in a demonstration for community purposes.

L. "Working day" means from 8 a.m. to 5 p.m. of each day from Monday through Friday, except days designated as legal holidays by RCW 1.16.050, Fridays immediately preceding any such legal holiday falling on a Saturday, and Mondays immediately following any legal holiday falling on a Sunday.

(Ord. 110640 § 2, 1982; Ord. 110572 § 3, 1982: Ord. 108333 § 3, 1979.)

14.12.040Usages.

A. The singular number includes the plural, unless the context clearly indicates otherwise.

B. The masculine includes the feminine with respect to a particular office or position.

C. Unless otherwise indicated, a reference to a City Attorney, a Prosecuting Attorney, a District Attorney, or an Attorney General includes any Deputy or Assistant acting on the official's behalf.

D. Unless otherwise indicated, reference to the Criminal Information Section includes reference to any successor entity.

E. The subchapters identified with Roman numerals and the section captions are for convenient reference only and do not limit or modify the substance of the text of this chapter.

(Ord. 110572 § 4, 1982: Ord. 108333 § 39, 1979.)

14.12.050Application.

This chapter shall not affect any action taken prior to its effective date.[1]

(Ord. 108333 § 40, 1979.)

1.Editor's Note: Ord. 108333 became effective on January 1, 1980. Ord. 110572 became effective on June 9, 1982. The amendments derived from Ord. 110640 became effective on June 9, 1982.

Subchapter II Scope—Exemptions and Exclusions

14.12.060Scope.

A. Those sections of this chapter controlling the **collection**, receipt, and/or transmission of information (Sections 14.12.130 through 14.12.240) do not apply to administrative records (Section 14.12.070), incidental references (Section 14.12.080), confidential communications (Section 14.12.090), materials open to public inspection (Section 14.12.100), special investigations (Section 14.12.110), and the exclusions (Section 14.12.120), provided that **Department** indexing does not cite any private sexual or restricted information other than the information in a proper name, unless specifically authorized by this chapter.

B. Except for the exclusion of Section 14.12.120 A1, the policies in Section 14.12.020 apply to the provisions of this chapter. All **Department** records are subject to audit unless excluded by Section 14.12.320 A1 through A6.

(Ord. 110640 § 3, 1982: Ord. 110572 § 5, 1982: Ord. 108333 § 4, 1979.)

14.12.070Administrative records.

Administrative records pertain to **Department** operations and/or public relations, are comparable in character to files and records maintained by other City departments, and exclude investigatory files of the **Department**. Examples of administrative records include routine correspondence files; employment and personnel records; jail records on prisoners' religious pref<HH>erences and customs; information for providing chaplain, escort, and ancillary community services; records of evidence, lost or stolen property, and custodial property inventoried without regard to informational content; and itinerary information used for providing security and protection for an official, dignitary, or consenting individual. Indexing may cite private sexual or restricted information only for a valid administrative purpose.

(Ord. 110640 § 4, 1982: Ord. 110572 § 6, 1982: Ord. 108333 § 5, 1979.)

14.12.080Incidental references.

A. Private sexual or restricted information may be **collected** when the information appears as an incidental reference in a standard report form, in response to a general questionnaire completed by an applicant or witness using his or her own words, or in a more general description or statement.

B. Private sexual or restricted information may be **collected** when it forms an incidental part of the statement, verification, or rebuttal of a legal defense that has been raised by a suspect or may reasonably be anticipated; or an incidental part of the activities or associations of a homicide, unconscious, or kidnapped victim during the

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seventy-two (72) hours immediately preceding an incident or investigation.

C. In addition, private sexual or restricted information that comes within one of the following classifications may be collected when:

1. The information relates to a suspect whose identity is unknown and may not then be indexed by a true name;

2. The subject of the information supplies the information to known **departmental personnel**;

3. The information arises in the course of and is used exclusively for Traffic Code[1] enforcement and traffic safety purposes;

4. The information is part of a recording maintained in connection with incoming emergency calls or a video and/or sound recording authorized by RCW 9.73.090;

5. The information is **collected** and maintained by the Department Communications Division for use exclusively in connection with emergency calls and is isolated from general Department files;

6. The information appears in records relating to child abuse or protective custody services contemplated by Chapter 26.44 RCW; or in unit records of Community Service Officers used in handling domestic disputes, youth counseling, or like community services; and/or

7. The information appears as part of the text of printed informational material from a governmental law enforcement agency, the main purpose of which is instructional and the disclosure of which would be detrimental to effective law enforcement.

D. Information **collected** pursuant to subsection C7 of this section may be indexed separately for purposes of the Public Disclosure Act (Chapter 42.17 RCW), provided that such information shall not be cross-referenced within other Department files.

(Ord. 110572 § 7, 1982: Ord. 108333 § 6, 1979.)

1.Editor's Note: The Traffic Code is codified in Title 11 of this Code.

14.12.090Confidential communications.

The following communications and materials are confidential:

A. A professional consultation between **departmental personnel** and a **Department** psychologist, or between a person detained in the City Jail and a jail physician or other medical personnel when a confidential relationship exists between the participants;

B. A confidential communication between **departmental personnel** and any legal advisor assigned to the **Department** or to represent the **Department** or **departmental personnel**, as well as memoranda of such communications;

C. A confidential communication between **departmental personnel** and a chaplain or other religious official; or

D. Information identifying the name of an **informant** which is privileged from disclosure in a court of law and information **collected** about an **informant** as part of and relevant to a background investigation to determine his or her reliability, provided the **informant** has consented to its **collection**. Such a confidential communication may not contain private sexual information or restricted information about any **person** other than the **informant**, except as an incidental reference (Section 14.12.080).

(Ord. 110572 § 8, 1982: Ord. 108333 § 7, 1979.)

14.12.100Materials open to public inspection.

A. Materials such as the following qualify as materials open to public inspection if any person may examine them during regular **Department** business hours and the materials are readily available and may be obtained promptly:

1. Information about anticipated political or religous events — such as parades, processions, rallies, demonstrations, or assemblies contemplated in Chapter 11.25 of this Code, or its successor traffic code — and such materials as may be necessary in connection with the events for the direction and control of traffic, to protect the public health and safety, and to secure public liability insurance covering the City, provided that the complainant identification information may be kept confidential when required by RCW 42.17.310(1)(e);

2. Information in a reference center or library;

3. Printed literature from a criminal justice agency relating to law enforcement duties that may be obtained pursuant to the public disclosure rules of the **Department** prepared pursuant to state law; and/or

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4. Any arrest circular or "Wanted" poster received by the **Department** as part of a general circulation by a governmental agency to law enforcement agencies.

B. Materials qualifying as materials open to public inspection pursuant to subsections A2 and A3 of this section may be indexed separately for the purposes of the Public Disclosure Act (Chapter 42.17 RCW), provided that such materials shall not be cross-referenced within other **Department** files.

(Ord. 110640 § 5, 1982: Ord. 110572 § 9, 1982: Ord. 108333 § 8, 1979.)

14.12.110Special investigations.

Information may be **collected** in connection with the following special investigations when:

A. The information is **collected** upon the request of the Attorney General of the State, a Prosecuting Attorney, a City Attorney, or the Department of Justice with respect to a **person** charged with a crime or ordinance violation, or with respect to a **person** facing civil commitment after commitment proceedings have been filed, and the information is reasonably relevant to the investigation or judicial proceedings.

B. The information is **collected** about a **person reasonably suspected** of involvement in corruption or malfeasance in office of a governmental official or employee, and the information reasonably appears relevant thereto; and/or

C. The information is **collected** about an applicant as part of and relevant to a background investigation of the applicant for employment or promotion with the City or a City license or commission; or the subject of the information has consented in writing to its **collection**.

(Ord. 110572 § 10, 1982: Ord. 108333 § 9, 1979.)

14.12.120Exclusions.

A. This chapter shall not restrict:

1. Activities by **departmental personnel** as private citizens not related to their law enforcement functions;

2. The **collection** of information about police conduct by the **Department** Internal Investigations Section;

3. The participation of **departmental personnel** in their official capacities in the City's administrative and legislative processes with respect to **Department** operations to the same extent and in the same manner as other City departments; or

4. Personal communiciations to, and personal papers of, the Chief of the **Department** personally maintained in his own office, provided such materials do not include investigatory information.

B. Nothing in this chapter shall restrict or forbid **departmental personnel** from complying with a court order.

(Ord. 110572 § 11, 1982: Ord. 108333 § 10, 1979.)

Subchapter III Handling Private Sexual Information

14.12.130Collection and use.

Private sexual information shall not be **collected** unless the information involves: a reported or observed sex crime; an apparent felony where a motivation for the crime may reasonably be suspected to be sexual in origin; a violation of the law that by its nature is commonly related to sexual activity (for example, prostitution, pandering, procuring, lewd conduct, or pornography); or the information is about a subject or fugitive and may reasonably lead to his or her arrest. The **private sexual information collected** shall reasonably appear relevant to the investigation of unlawful activity or to making an arrest of the subject of the **information**.

(Ord. 110640 § 6, 1982: Ord. 110572 § 12, 1982: Ord. 108333 § 11, 1979.)

14.12.140Receipt and transmission.

A. Unless Section 14.12.130 applies, **private sexual information** received from another criminal justice or governmental agency shall be **purged** within the sooner of seven (7) **working days** or of the placement of other material which was received with the **private sexual information** into an investigatory file, the commingling of the other material with other **Department** files and records, or the indexing of the other material in the **Department's** record system.

B. **Private sexual information** shall not be transmitted to another criminal justice or governmental agency unless:

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1. The recipient agency has a need for the **information** which satisfies the requirements of Section 14.12.130, or a subpoena, court order, or statutory mandate requires the production of the information; and a log of each written transmission is maintained which contains the name of the subject of the **information** and the recipient agency; or

2. The **information** is transmitted to the King County Prosecuting Attorney or the City Attorney in connection with a pending investigation of unlawful activity or a judicial proceeding.

(Ord. 110572 § 13, 1982: Ord. 108333 § 12, 1979.)

Subchapter IV Handling Restricted Information for Criminal Investigations

14.12.150Collecting restricted information.

A. **Departmental personnel** shall not **collect** any **restricted information** for any use other than for dignitary protection without an authorization by a unit commander of the rank of lieutenant or above; provided, when time is of the essence, **departmental personnel** may **collect restricted information** under the condition that it shall be **purged** within five (5) **working days** unless an authorization for its **collection** is granted.

B. An investigating officer may secure an authorization under this section from a lieutenant or higher-ranking officer who is in his or her chain of command or has supervision over the investigation. The authorization may adopt a written request from a Prosecuting Attorney, a City Attorney, the Attorney General of the State, or the Attorney General of the United States made in the court of and for performance of the duties of their respective offices.

C. Such an authorization may be granted only when:

1. There is a **reasonable suspicion** that the subject of the **restricted information** has engaged in, is engaging in, or is about to engage in unlawful activity, or that the **restricted information** about the subject may reasonably lead to his or her arrest, or that the **restricted information** is collected about a victim or witness for the purpose of discovering his or her knowledge or evaluating his or her reliability;

2. The **restricted information** to be **collected** appears relevant to the investigation of the suspected unlawful activity described in subsection C1 of this section, or appears relevant to making an arrest of the subject of the **restricted information**; and

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3. The **collection** of the **restricted information** is consistent with the statement of purpose, policies, and other provisions of this chapter.

D. No **informant** or **infiltrator** may be used to **collect restricted information** about a victim or witness; **restricted information** about a victim or witness may not be indexed under his or her name.

E. Notice of each authorization shall be given to the **Auditor**.

F. Authorizations shall be in effect for no more than ninety (90) days.

(Ord. 110572 § 14, 1982: Ord. 108333 § 13, 1979.)

14.12.160Contents of an authorization.

A unit commander or higher-ranking officer of the **Department** shall include in the written authorization his or her opinion that the criteria in Section 14.12.150 are satisfied, as well as the following information:

A. The identity of the subject about whom the **restricted information** will be collected, if known;

B. The violation of law under investigation to which the **restricted information** is deemed relevant and, in the event that the violation of law has not yet occurred, the approximate date of the violation, if known;

C. An explanation of the **restricted information** likely to be sought and its relevance to the violation of law or the arrest of the subject;

D. A statement of the facts and circumstances creating a reasonable suspicion that the subject of the **restricted information** has engaged in, is engaging in, or is about to engage in unlawful activity, or that **restricted information** may lead to the subject's arrest; or if the **restricted information** concerns a victim or witness, the facts and circumstances creating a **reasonable suspicion** that the victim or witness has information about the particular incident under investigation, and an explanation of why **collection** of the **restricted information** is deemed necessary;

E. If an **informant** or **infiltrator** will be used to gather **restricted information**, the reasons why the use of an **informant** or **infiltrator** is deemed necessary for law enforcement purposes.

(Ord. 110572 § 15, 1982: Ord. 108333 § 14, 1979.)

14.12.170Additional authorizations.

After an authorization expires, the Chief of the **Department** may authorize the **collection** of **restricted information** for additional periods of up to ninety (90) days each as often as may be necessary for the completion of an investigation of specified unlawful activity, but in no event longer than the expiration of the statute of limitations or the prosecution of a case. The additional authorization, together with the documentation preceding it, shall describe the **restricted information** already **collected** and identify the investigation to be completed or the case to be prosecuted. An additional authorization shall satisfy the criteria in Sections 14.12.150 and 14.12.160, be substantiated by the information already collected, and justify the need to **collect** additional **restricted information**.

(Ord. 110572 § 16, 1982: Ord. 108333 § 15, 1979.)

14.12.180Actions after authorization.

The **collection**, maintenance, and use of **restricted information** pursuant to an authorization under Sections 14.12.150/14.12.160, or 14.12.170 shall be limited to the scope stated in the authorization.

(Ord. 110572 § 17, 1982: Ord. 108333 § 16, 1979.)

14.12.190Receipt of restricted information.

Unless an authorization has been given under Sections 14.12.150/14.12.160, 14.12.170, or 14.12.230, **restricted information** received from another criminal justice or governmental agency shall be **purged** or, if the **restricted information** is useful for dignitary protection, transferred to departmental personnel with such responsibilities within the sooner of seven (7) **working days** or of the placement of other material which was received with the **restricted information** into an investigatory file, the commingling of the other material with other **Department** files and records, or the indexing of the other material in the **Department's** record system.

(Ord. 110572 § 18, 1982: Ord. 108333 § 17, 1979.)

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14.12.200 Transmission of restricted information.

A. **Restricted information** shall not be transmitted to another criminal justice or governmental agency unless:

1. The recipient agency has a need for the **information** based upon facts sufficient to obtain an authorization under Sections 14.12.150/14.12.160 or 14.12.230, or a subpoena, court order, or statutory mandate requires the production of the **information**; a log of each written transmission shall be maintained which contains the name of the subject of the **information** and the recipient agency; or

2. The **information** is transmitted to the King County Prosecuting Attorney or the City Attorney in connection with a pending investigation of unlawful activity or a judicial proceeding.

B. Wherever practical, the first page and each page containing **restricted information** in a document transmitted to a recipient agency shall contain a prominent notice limiting dissemination or use to the specific purpose for which the document was transmitted, unless otherwise authorized by the Chief of the **Department**.

C. Nothing in this section shall prevent **departmental personnel** from transmitting an evaluation of information or pooling information in a common investigation of a series of related incidents as long as **restricted information** is not disclosed.

(Ord. 110640 § 7, 1982; Ord. 110572 § 19, 1982: Ord. 108333 § 18, 1979.)

Subchapter V Handling Restricted Information for Protecting Dignitaries

14.12.210 Collecting and filing restricted information.

A. **Departmental personnel** assigned the duty of providing for the security and protection of visiting officials and dignitaries may **collect restricted information** for investigatory purposes under Sections 14.12.150 through 14.12.190, or for dignitary protection under Sections 14.12.220, 14.12.230, and 14.12.240, and may transmit **restricted information** in accordance with Sections 14.12.200 or 14.12.240.

B. Unless an authorization pursuant to Sections 14.12.150/14.12.160 or 14.12.170 allows its use for a criminal investigation, **restricted information collected** under Sections 14.12.220, 14.12.230, and 14.12.240 shall be subject to the following conditions:

1. The **restricted information** shall be maintained in a separate record system under the custody of the **departmental personnel** assigned to providing security and protection for visiting officials and dignitaries (called **dignitary protection files** herein), indexed separately, and accessible only to these **departmental personnel** and their supervisors;

2. **Collection** of **restricted information**, other than unsolicited communication, may not begin before **departmental personnel** receive notice of an anticipated arrival date of the visiting official or dignitary for whom security and protection are to be provided, and shall cease upon notice that the anticipated visit will not occur or upon the visitor's departure from the City, whichever occurs sooner;

3. A log shall be kept, including each access made to the dignitary protection files and the reason thereof;

4. The **restricted information** shall be used only for providing necessary security and protection for visiting officials and dignitaries;

5. The **restricted information** shall be **purged** within sixty (60) days after the authorization for its **collection** expires, unless a unit commander certifies that the subject of the **information** poses, has posed, or has made a threat to the life or safety of a visiting official or dignitary; or the retention of the **information** may be necessary for pending or future civil or criminal litigation involving the City; and

6. The dignitary protection files shall be reviewed annually under the direction of the Chief of the **Department**, and the **restricted information** deemed no longer relevant to protecting visiting officials and dignitaries shall be **purged**. Transfers to other uses may be made of **restricted information collected** under Sections 14.12.220 or 14.12.230 with an authorization under Sections 14.12.150, 14.12.160, and 14.12.170.

(Ord. 110640 § 8, 1982; Ord. 110572 § 20, 1982: Ord. 108333 § 19, 1979.)

14.12.220 Collecting restricted information without an authorization.

Departmental personnel assigned the duty of providing for the security and protection of visiting officials and dignitaries may, without an authorization:

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1. **Collect restricted information** from records open for public inspection, newspapers and libraries, and written communications directed at the general public;

2. **Collect restricted information** about a demonstration or activity directly from a person who is planning the demonstration or activity in connection with a visiting official or dignitary and who is advised of the purpose of the inquiry;

3. Accept an unsolicited communication;

4. **Collect restricted information** from another criminal justice or governmental agency which was originally derived from public sources, from direct communication with the subject of the **information**, or as an unsolicited communication; and/or

5. When time is of the essence, **collect restricted information** on the condition that it shall be purged within twenty-four (24) hours after receipt, unless an authorization is granted under Sections 14.12.150 or 14.12.230.

(Ord. 110572 § 21, 1982: Ord. 108333 § 20, 1979.)

14.12.230Authorizations for dignitary protection.

A. The Chief of the **Department** may authorize the **collection** of **restricted information** when there is a **reasonable suspicion** that the subject of the **restricted information** could pose a threat to the life or safety of a visiting official or dignitary. When time is of the essence, an authorization may be requested and given orally, but the authorization shall be reduced to writing within two (2) **working days**. An authorization under this section shall limit the use of the **restricted information collected** to dignitary protection purposes, unless an authorization granted under Sections 14.12.150/14.12.160 or 14.12.170 allows the **information** to be used for a criminal investigation.

B. An authorization for dignitary protection shall include:

1. The identity of the subject about whom the **restricted information** will be **collected**, if known;

2. The name of the visiting official or dignitary to be protected and his or her anticipated date of arrival;

3. An explanation of the **restricted information** likely to be sought;

4. The facts and circumstances that provide the Chief of the **Department** a **reasonable suspicion** that the subject of the **restricted information** could pose a threat to the life or safety of a visiting official or dignitary; and

5. If an **informant** or **infiltrator** will be used to gather **restricted information**, the reasons why the use of an **informant** or **infiltrator** is deemed necessary for dignitary protection.

C. Notice of each authorization shall be given to the **Auditor**.

D. The **collection** of **restricted information** pursuant to an authorization for dignitary protection shall be limited to the scope stated in the authorization.

(Ord. 110640 § 12, 1982: Ord. 110572 § 22, 1982: Ord. 108333 § 21, 1979.)

14.12.240Receipt and transmission of restricted information.

A. Sections 14.12.190 and 14.12.200 controlling the receipt and transmission of **restricted information** from and to another criminal justice or governmental agency applies to the handling of **restricted information** by **departmental personnel** assigned the duty of providing for the security and protection of visiting officials and dignitaries, unless the information is collected and transmitted in conjunction with a task force. **Restricted information collected** for an operating task force may be transmitted or **purged** with other task force materials.

B. **Departmental personnel** serving on or working with a task force of cooperating law enforcement and governmental agencies to provide security and protection while a visiting official or dignitary is present, and/or for a period of up to ten (10) days prior to his or her scheduled visit, may:

1. **Collect restricted information** from cooperating agencies, provided that the **information** shall be **purged** within ten (10) days after the visiting official or dignitary departs, unless an authorization under Sections 14.12.150/14.12.160 or 14.12.170 or a certification under Section 14.12.210 B5 allows its retention; and/or

2. Transmit **restricted information** collected by **departmental personnel** to other cooperating agencies, provided that wherever practical, the first page and each page containing

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restricted information in a document transmitted shall contain a prominent notice limiting dissemination or use of the **information** to the specific purposes for which the document was transmitted, unless otherwise authorized by the Chief of the **Department**.

C. A log of each written transmission shall be maintained which contains the name of the subject of the **restricted information** and the recipient agency.

D. Nothing in this section shall prevent **departmental personnel** from transmitting an evaluation of information or pooling information in a common investigation of a series of related incidents as long as **restricted information** is not disclosed.

(Ord. 110572 § 23, 1982: Ord. 108333 § 22, 1979.)

Subchapter VI Police Operations

14.12.250Use of infiltrators.

No **infiltrator** shall be used or recruited to **collect** restricted information on a continuing basis from within and about a political or religious organization, an organization formed for the protection or advancement of civil rights or liberties, or an organization formed for community purposes, unless:

A. Use of the **infiltrator** is contemplated by an authorization to **collect** restricted information on the organization pursuant to Sections 14.12.150/14.12.160, 14.12.170, or 14.12.230;

B. The Chief of the **Department** approves in writing the use of the **infiltrator** and certifies that infiltrating the organization is necessary, and that reasonable means have been designed to: (1) confine **collection** of the restricted information to matters contemplated by the authorization; (2) conduct the **collection** of the information in a manner consistent with the statement of purpose, policies, and provisions of this chapter; and

C. The Chief of the **Department** or his designee has established a procedure for review at the end of each authorization period to determine compliance with all rules, regulations, and procedures designed to minimize the acquisition, retention, and disclosure of restricted information which does not relate to the matter under investigation and to protect against unreasonable infringement upon the rights, liberties, and freedoms described in Section 14.12.010 A.

(Ord. 110640 § 10, 1982; Ord. 110572 § 24, 1982: Ord. 108333 § 23, 1979.)

14.12.260Use of informants.

An **informant** paid by the City to **collect restricted information** shall be instructed that in carrying out an assignment he or she shall not:

A. Participate in unlawful acts of violence;

B. Use unlawful techniques to obtain information;

C. Initiate a plan to commit criminal acts; or

D. Participate in criminal activities of **persons** under investigation, except insofar as the supervisor over the investigation determines that such participation is necessary to obtain information needed for purposes of prosecution.

(Ord. 110640 § 11, 1982; Ord. 110572 § 25, 1982: Ord. 108333 § 24, 1979.)

14.12.270Use of modus operandi (MO) files.

Restricted information about a **person** under a true name may only be added to an MO file where there is probable cause to suspect the subject of the **restricted information** has committed unlawful activity. This section does not limit indexing **restricted information** about an incident by subject matter.

(Ord. 110572 § 26, 1982: Ord. 108333 § 25, 1979.)

14.12.280Prohibited activities.

Departmental personnel in the course and scope of their duties shall not wilfully:

A. Incite any **person** to commit unlawful violent activity or engage another **person** to do so, provided that nothing in this section shall be interpreted to prohibit thwarting, detecting, or securing evidence of unlawful activity conceived by another, or the use of decoys; or

B. Communicate information known to be false or derogatory with the intention of disrupting any lawful political or religious activity, unless such communication occurs in the course of or in connection with a judicial proceeding, or serves a valid law enforcement purpose.

(Ord. 110640 § 12, 1982; Ord. 110572 § 27, 1982: Ord. 108333 § 26, 1979.)

Subchapter VII Criminal Information Section

14.12.290Powers and functions.

Whenever appropriations for the **Department**

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Criminal Information Section are included in the City's annual operating budget, the Section shall be authorized to perform the following functions, subject to the provisions of this chapter:

A. To collect, evaluate, organize, and analyze data and specific investigative information about the existence, structure, activities, and operations of organized criminal activity which appears to involve regular coordination and organization among a number of individuals, and the participants in such activities;

B. To collect, evaluate, and classify information about incidents of unlawful activity, confirming the degree of accuracy of the information whenever possible; to store and/or disseminate only that **private sexual** or **restricted information** which appears to have a reasonable degree of reliability and to store and disseminate other information only if it is accompanied by an assessment of reliability; and to **purge** information that is no longer relevant;

C. To coordinate such information into a centralized system of criminal intelligence information and to study, detect, and explain any meaningful patterns of unlawful activities;

D. To furnish and exchange relevant criminal intelligence information with criminal justice agencies, to maintain liaison with other criminal intelligence activities, and to initiate inquiries and conduct criminal investigations;

E. To support other **Department** activities and units by delivering pertinent criminal intelligence information and to coordinate information that involves multiple investigatory divisions or units, at the direction of the Chief of the **Department**;

F. Upon request and at the direction of the Chief of the **Department**, to assist law enforcement agencies, the City Attorney, the King County Prosecuting Attorney, and the United States District Attorney in developing evidence for purposes of criminal prosecution of organized criminal activities;

G. To develop training programs that assist the **Department's** tactical units in detecting and gathering information relevant to criminal investigations being conducted by the Criminal Information Section; and

H. To develop methods for evaluating the effectiveness of the Criminal Information Section in accomplishing its law enforcement purposes and safeguarding the constitutional rights and privacy of all individuals.

(Ord. 110572 § 28, 1982: Ord. 108333 § 27, 1979.)

14.12.300Responsibilities.

In performing their responsibilities, **departmental personnel** assigned to the Criminal Information Section shall:

A. Maintain the integrity and security of all information contained in the **Department's** Criminal Information Section filing system;

B. Follow ethical and legal police procedures in obtaining information, including, but not limited to, the provisions of this chapter; and

C. Whenever practical, avoid direct involvement in the conduct of tactical law enforcement operations.

(Ord. 110572 § 29, 1982: Ord. 108333 § 28, 1979.)

Subchapter VIII Auditing and Notice Requirements

14.12.310Appointment and responsibilities of Auditor.

A. The Mayor shall appoint an **Auditor**, subject to confirmation by the City Council, to monitor compliance with this chapter. The **Auditor** shall serve for a term of three (3) years and may be reappointed by the Mayor, subject to confirmation by the City Council. The **Auditor** may be removed from office for cause by the Mayor by filing a statement of reasons for the removal with the City Council.

B. The **Auditor** should possess the following qualities and characteristics:

1. A reputation for integrity and professionalism, as well as the ability to maintain a high standard of integrity in the office;

2. A commitment to and knowledge of the need for and responsibilities of law enforcement, as well as the need to protect basic constitutional rights;

3. A commitment to the statement of purpose and policies in this chapter;

4. A history of demonstrated leadership experience and ability;

5. The potential for gaining the respect of **departmental personnel** and citizens of the City;

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6. The ability to work effectively with the Mayor, the City Council, the City Attorney, the Chief of the **Department, departmental personnel**, public agencies, private organizations, and citizens; and

7. The ability to work effectively under pressure.

C. The Chief of the **Department** shall cause a thorough background check of nominees for **Auditor** identified by the Mayor and shall report the results to the Mayor.

D. Except as limited by Section 14.12.320, the **Auditor** shall have access to all **Department** files and records, including nonconviction data pursuant to RCW 10.97.050(4).

(Ord. 110640 § 13, 1982: Ord. 110572 § 31, 1982: Ord. 109237 § 1, 1980: Ord. 108333 § 29, 1979.)

14.12.320Limitations on the Auditor.

A. The **Auditor** shall not examine the following:

1. **Department** personnel files;

2. Internal Investigation Section files;

3. Files of confidential communications as defined in Section 14.12.090;

4. Personal files of the Chief of the **Department** which are excluded from this chapter by Section 14.12.120 A4;

5. Specific case files which the King County Prosecuting Attorney personally certifies in writing need to be withheld from the **Auditor's** review because the files involve investigations of corruption or malfeasance in office of a governmental official or employee, a potential conflict of interest for the **Auditor**, or investigations of organized criminal activity conducted as a continuing enterprise solely for the purpose of obtaining monetary gain wholly or in part through racketeering, vice, narcotics, gambling, fencing, or similar economic criminal activity. As to each file, the Prosecuting Attorney's certificate shall state that he has personally reviewed the case file and found that the file complies with this chapter. The Prosecuting Attorney's certificate shall also include a summary apprising the **Auditor** of the scope and purpose of the investigation. With respect to the certified files, the Prosecuting Attorney shall exercise all the powers and discharge all the responsibilities normally exercised and discharged by the **Auditor** under the provisions of this chapter;

6. Files maintained exclusively for confidential criminal information regarding organized criminal activity received by the **Department** through membership in the Law Enforcement Intelligence Unit (LEIU) and files maintained exclusively for confidential criminal information regarding narcotics activity received by the **Department** through membership in the Western States Information Network (WSIN), which are audited under subsection C.

B. In discharging his or her responsibilities, the **Auditor** shall protect the confidentiality of **Department** files and records, and shall also be bound by the confidentiality provisions of the Criminal Records Privacy Act (RCW 10.97), the Public Disclosure Act (RCW 42.17), and the provisions of RCW 43.43.856. The **Auditor** shall not identify the subject of an investigation in any public report required by this chapter. The **Auditor** shall not remove from **Department** facilities any record, extract, or other information, the disclosure of which is exempt from public disclosure under the Public Disclosure Act (RCW 42.17.310). Any violation of the confidentiality of **Department** files and records or the provisions of this chapter shall be sufficient cause for removal of the **Auditor**.

C. The Chief of the **Department** shall exercise all the powers and discharge all the responsibilities normally exercised and discharged by the **Auditor** with respect to files maintained exclusively for confidential criminal information obtained through the **Department** membership in the Law Enforcement Intelligence Unit (LEIU) and the Western States Information Network (WSIN), which shall be limited to and subject to the following definitions and conditions:

1. All information designated for audit by the Chief shall meet all the provisions of this chapter controlling the **collection**, receipt and/or transmittal of information.

2. Only information regarding organized criminal activity obtained by a designated departmental LEIU representative, or information regarding criminal narcotics activity obtained by a designated departmental WSIN representative, from designated LEIU or WSIN representatives, respectively, in other agencies, will be audited under this subsection by the Chief. All other information **collected** from outside agencies will be subject to audit by the appointed **Auditor**.

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3. "Organized criminal activity" is defined as conduct that relates to a continuing enterprise engaged in solely for the purpose of obtaining monetary gain wholly or in part through racketeering, vice, narcotics, gambling, fencing, or similar criminal activity.

4. "Criminal narcotics activity" is defined as conduct that relates to the illegal manufacture, transportation, distribution, or sale of narcotics or other controlled substances.

5. All information designated for audit by the Chief shall be filed separate from other **Department** files.

6. Access to the information designated for audit by the Chief shall be limited to police officers specifically designated by the Chief of Police.

7. Information designated for audit by the Chief shall not be referenced or indexed in other **Department** files.

D. The Chief of the **Department** shall submit a final report of his/her audit to the Mayor. The Chief's report shall be comparable to that of the **Auditor** as prescribed in Section 14.12.330 B2, except that the Chief's report shall include a description of each type of document audited without disclosing its contents, the number of each type of document audited, the number of documents received from LEIU or WSIN, and the number of documents received from designated LEIU or WSIN representatives. The Chief's report shall also include a current set of bylaws for LEIU and for WSIN. The Mayor shall certify the report as the final audit to the City Council, the City Attorney, and the City Clerk for filing as a public record. The Mayor, in the exercise of all of his/her duties under the City Charter, shall supervise the Chief of the **Department** to ensure that he/she faithfully performs the duties assigned under this chapter and section.

E. Failure of the Chief of the **Department** to send any notice required by Section 14.12.340 or to report any substantial violation of this chapter as required by Section 14.12.330 B2 shall effect his immediate suspension from office without pay and shall be cause for his/her removal from office. Failure of the Chief of the **Department** to discharge any other duties required by this subsection may be cause for his/her suspension or removal from office.

(Ord. 117242 § 15, 1994; Ord. 110640 § 13, 1982; Ord. 110572 § 31, 1982: Ord. 108333 § 30, 1979.)

14.12.330Audit procedures and standards.

A. The **Auditor** shall conduct an in-place audit of **Department** files and records at unscheduled intervals not to exceed one hundred eighty (180) days since the last audit. The **Department** shall provide temporary space for the **Auditor** to conduct the audit in secure areas close to the records to be reviewed by the Auditor.

B. The audit shall be prepared and published pursuant to the following provisions:

1. In conducting an audit, the **Auditor** shall:

a. Review each authorization granted pursuant to Sections 14.12.150/14.12.160, 14.12-.170, or 14.12.230, together with investigative files associated with the authorizations;

b. Perform a random check of Department files and indexes;

c. Review files and records containing **private sexual** or **restricted information** designated for purging except information not yet **collected** or **purged** pursuant to Sections 14.12.140, 14.12.150, 14.12.190, or 14.12.240; and

d. Prepare and forward a written report of the audit to the Mayor, the City Council, the City Attorney, and the City Clerk for filing as a public record.

2. The **Auditor's** report shall contain a general description of the files and records reviewed and a discussion of any substantial violation of this chapter discovered during the audit. A preliminary report shall be delivered by the **Auditor** to the Chief of the **Department** for review and comment. The Chief of the **Department** shall review and comment on the preliminary report within twenty (20) days after receipt of the report. The **Auditor shall submit the final report within thirty (30) days after receipt of the Chief's comments.**

3. **The Chief of the Department** shall:

a. Forward to the Mayor, the City Council, the City Attorney, and the City Comptroller within ten (10) **working days** of receipt of the **Auditor's** final report the Chief's written comments on the report; and

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b. Cause an immediate investigation into the circumstances of any apparent violations of this chapter reported by the **Auditor**.
(Ord. 117242 § 16, 1994; Ord. 110572 § 32, 1982: Ord. 108333 § 31, 1979.)

14.12.340Notice of substantial violations.

A. The **Auditor** shall notify by certified mail any **person** about whom **restricted information** has been **collected** where the **Auditor** has a reasonable belief that the **restricted information** was collected in violation of this chapter and would create civil liability under Section 14.12.350. Notice shall be sent to the person's last known address within six (6) months after the expiration of the last authorization, or within sixty (60) days after the **Department**, the City Attorney, or the King County Prosecuting Attorney determines that no prosecution will be brought as a result of the unlawful activity prompting the investigation, whichever date is earlier. The **Auditor's** notice does not constitute an admission of fact or liability by the City.

B. At least five (5) **working days** before mailing the notice, the **Auditor** shall inform the Chief of the **Department** of his/her intent to mail the notice. If during the interim the **Auditor** receives information that the notice would endanger an ongoing investigation, the **Auditor** shall delay the mailing for such period of time as he or she is satisfied that mailing the notice would endanger the ongoing investigation.

C. The **Auditor** shall identify the information giving rise to the notice of substantial violation. The **Department** shall retain the information until expiration of the statute of limitations for civil action by the subject of the notice.
(Ord. 110572 § 33, 1982: Ord. 108333 § 32, 1979.)

Subchapter IX Civil Liability, Enforcement and Penalties

14.12.350Civil liability.

A. Subject to the limitations of this section and Section 14.12.360, a **person** shall have a right of action against the City based on this chapter for injuries proximately caused by **departmental personnel** wilfully in the scope and course of their duties:

1. **Collecting private sexual information** when Section 14.12.130 prohibits **collection** of such **information**;

2. **Collecting restricted information** where the prohibition of Section 14.12.150 applies, no authorization was obtained, and under the facts and circumstances known to **departmental personnel**, no authorization could validly have been granted; or alternatively, the **restricted information collected** was both outside the scope of the authorization granted and was not relevant to an investigation of unlawful activity, the making of an arrest or a judicial proceeding;

3. Using an **infiltrator** with the intention of **collecting** restricted information from within and about a political or religious organization, an organization formed for the protection or advancement of civil rights or liberties, or an organization formed for community purposes in violation of Section 14.12.250 where there is no **reasonable suspicion** that the subject of the restricted information has engaged in, is engaging in, or is about to engage in unlawful activity, or that the restricted information will lead to the subject's arrest;

4. Inciting another **person** to commit unlawful violent activity or engaging another **person** to do so in violation of Section 14.12.280 A; and/or

5. Communicating information known to be false or derogatory with the intention of disrupting any lawful political or religious activity in violation of Section 14.12.280 B, provided no cause of action may be based upon an arrest based upon probable cause or an order to disperse an assemblage made in accordance with Section 12A.12.020 of this Code.

B. Absent evidence establishing a greater amount of damages, the damages payable in event of an injury proximately caused by **collection** of **private sexual** or **restricted information** in violation of this chapter, as contemplated by subsections A1 or A2, shall be Five Hundred Dollars ($500.00) to each subject of the **private sexual** or **restricted information** for all such **information** collected, and for the use of an **infiltrator** in violation of Section 14.12.250, as contemplated by subsection A3, shall be One Thousand Dollars ($1,000.00) aggregate for the organization and all its members as a class. The payment of damages under subsection A3 to the organization, or its members as a class, is in

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addition to any rights of any **person** within the organization under subsections A1 or A2.

C. No cause of action may be based upon the activity of **departmental personnel** in complying with a court order, or an action taken pursuant to and within the scope of an authorization under Sections 14.12.150/14.12.160, 14.12.170, 14.12-.230 or 14.12.250.

D. The City reserves all defenses at law consistent with this chapter, including but not limited to consent, privilege, participation, and waiver, and as to **departmental personnel** or a City official, any defense arising in the employer/employee or principal/agent relationship.
(Ord. 110640 §§ 14, 15, 1982; Ord. 110572 § 34, 1982: Ord. 108333 § 33, 1979.)

14.12.360Liability of officers and employees.

No cause of action may be based upon this chapter against the Mayor, the Chief of the **Department**, any **departmental personnel**, or any other City officer or employee, individually, for any action or omission made in good faith in the scope and course of his or her duties. In the event such a lawsuit is brought against a City officer or employee, individually, for such an action or omission, and the officer or employee cooperates fully in defense of the lawsuit, the City Attorney may represent the individual and defend the litigation. If the claim is deemed a proper one or judgment is rendered against the City officer or employee individually, the judgment shall be paid by the City in accordance with its procedures for the settlement of claims and payment of judgments.
(Ord. 110572 § 35, 1982: Ord. 108333 § 34, 1979.)

14.12.370Rules and regulations.

A. Consistent with the statement of purpose, policies, and provisions of this chapter, the Chief of the **Department** shall promulgate rules and regulations to implement this chapter in accordance with the procedures of Ordinance 102228 (the City's Administrative Code),[1] as amended, or a successor ordinance. The rules and regulations shall be designed to protect constitutional rights and personal privacy, so that investigations are conducted without an unreasonable degree of intrusion and that private sexual and restricted information obtained in the course of an investigation is properly authorized under this chapter.

B. The Chief of the **Department** shall also promulgate rules and regulations to govern the use of **informants, infiltrators**, and photographic surveillance related to restricted information, consistent with the statement of purpose, policies, and provisions of this chapter, and may promulgate rules and regulations governing other investigatory techniques to the extent he deems necessary to carry out the statement of purpose, policies, and provisions of this chapter.
(Ord. 110572 § 36, 1982: Ord. 108333 § 35, 1979.)

1.Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

14.12.380Department reporting.

The Chief of the Department shall submit an annual report on the implementation of this chapter to the Mayor, the City Council, and the City Clerk for filing as a public record. The annual report shall indicate the number of authorizations granted under Sections 14.12.150/14.12.160, 14.12.170, or 14.12.230; the number of certifications issued under Section 14.12.210 B5; the number of files withheld from the **Auditor** by the King County Prosecuting Attorney under Section 14.12.320 A5; the number of authorizations involving the use of **infiltrators** and **informants**; a statistical analysis of the purposes for which authorizations were granted, the types of unlawful activity involved, the number of prosecutions based thereon, the number of visiting officials or dignitaries for whom security precautions were involved, and other meaningful information; a summary of any internal disciplinary action taken to enforce this chapter; and a description of other actions taken to implement this chapter. The foregoing information may be included in the **Department's** annual report.
(Ord. 117242 § 17, 1994: Ord. 110640 § 16, 1982: Ord. 110572 § 37, 1982: Ord. 108333 § 36, 1979.)

14.12.390Administrative penalties.

Any **departmental personnel** in an office or other place of employment of the City who violates this chapter, or any implementing rule or regulation of the Chief of the **Department** shall be subject to the disciplinary proceedings and punishment authorized by the City Charter, Article XVI,[1] including reprimand, suspension without pay, and discharge, or provided by Ordinance

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107790, as amended (the City's Public Safety Personnel Ordinance),[2] or a successor ordinance.
(Ord. 110572 § 38, 1982: Ord. 108333 § 37, 1979.)

1.Editor's Note: The City Charter is included at the beginning of this Code.
2.Editor's Note: Ord. 107790 is codified in Chapter 4.04 of this Code.

14.12.400 Administrative penalties for supervisors.

An official who has authorized pursuant to Section 14.12.130 through 14.12.200 of this chapter, inclusive, the **collection** of **restricted information** shall be subject to administrative discipline, as contemplated in Section 14.12.390, for misconduct of a subordinate officer in collecting the **information** authorized if the authorizing official knows or should have known of the misconduct.
(Ord. 110572 § 39, 1982: Ord. 108333 § 38, 1979.)

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