

(GENERAL)

COMPTROLLER  
FILE NUMBER

290717

Second REPORT of the POLICE INTELLIGENCE  
AUDITOR, pursuant to City of Seattle  
Ordinance No. 108333

FILED June 16, 1981

Tim Hill, City Comptroller

BY Theresa Dumba DEPUTY

**ACTION OF THE COUNCIL**

REFERRED	TO
REFERRED	TO
REFERRED	TO
REPORTED	DISPOSITION
RE-REFERRED	TO
REPORTED	DISPOSITION

# REPORT OF COMMITTEE

Mr. President:

Your ..... Committee  
to which was referred the within .....  
would respectfully report that we have considered the same and respectfully recommend that.....

CHAIRMAN

CHAIRMAN

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June 12, 1981

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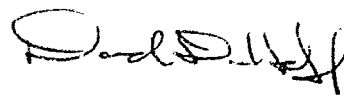
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Gentlemen:

Pursuant to Ordinance 108333, § 31(a)(iv), I enclose  
the written report of the Police Intelligence Auditor.

Very truly yours,



David D. Hoff

DDH:js  
Enclosure

290717

SECOND REPORT OF  
POLICE INTELLIGENCE AUDITOR  
PURSUANT TO CITY OF SEATTLE ORDINANCE NO. 108333  
BY  
DAVID D. HOFF, POLICE INTELLIGENCE AUDITOR

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I.

AUDITING ACTIVITIES

During the month of May, 1981, a second audit pursuant to Ordinance No. 108333 (the "Ordinance") was conducted. The audit focused mainly upon a review of files and records in the Criminal Information Section, selected files in the Vice Section, and selected files in the Crimes Against Persons Section. The following is a summary of the auditing activities:

1. Authorizations Pursuant to Section 14 of the Ordinance. Since the date of the previous audit, six new authorizations for collection of restricted information have been issued, two additional authorizations regarding previous matters have been issued and one authorization has been extended. All of the authorizations were reviewed and in compliance with the Ordinance.

2. Restricted Information Transmittal Log. The Restricted Information Transmittal Log consists of all restricted information that has been transmitted either in whole or in part to other law enforcement agencies. The log contained five entries including transmittals to the United States Secret Service, the Internal Revenue Service and local law enforcement authorities.

3. Materials Open to Public Inspection. Pursuant to Section 8 of the Ordinance, the Seattle Police Department

Criminal Information Section has established a set of materials open to public inspection which includes the following:

- (a) Allocation prospective for public events (describes public activities of various groups);
- (b) International terrorism publications;
- (c) Miscellaneous terrorism articles;
- (d) Publication entitled "Investigative Leads";
- (e) Miscellaneous articles;
- (f) Domestic problems;
- (g) Publication entitled "The Pink Sheet".

This information is maintained for the use of police officers as background information, research material, and as an aid in investigating specific incidents, and is available for public inspection pursuant to Section 8 of the Ordinance. The Seattle Police Department is in the process of accumulating additional information to be kept open for public inspection. The information collected appears to meet the requirements of Section 8 of the Ordinance.

4. Information Maintained as Law Enforcement Manuals. Pursuant to Section 6(i) of the Ordinance, the Seattle Police Department is entitled to collect certain prohibited information as an incidental reference if the information appears as part of the text of a printed law enforcement manual, disclosure of which would be detrimental to effective law enforcement. The criminal information section of the

Seattle Police Department maintains certain information designated as "law enforcement manuals". This information is currently comprised of the following:

- (a) Highjacking information;
- (b) Bombing information;
- (c) Disguised weapons information;
- (d) Manuals on clandestine tactics and technology;
- (e) Federal Aviation Administration threats; and
- (f) Manuals on riots and civil disorders.

The information collected appears to meet the standard of "law enforcement manuals" as that phrase is understood by the Auditor; however, as pointed out elsewhere in this report, the definition needs clarification.

5. Review of Files. All files originated in the Criminal Information Section since the previous audit, and new information relating to previously established files were read and reviewed. Selected files in the Vice Section and Crimes Against Persons Section relating to religious, political or sexual groups were read and reviewed.

6. Review of Indexes. Indexes in the Criminal Information Section established since the previous audit were reviewed and tested.

7. Discussions with Police Personnel. Discussions were held with police personnel in the various sections regarding the operation of the Ordinance and interpretations

of the Ordinance in regard to specific matters in their section.

8. Information Designated for Purging. Files and records containing private sexual or restricted information designated for purging were reviewed.

## II.

### SUBSTANTIAL VIOLATIONS OF THE ORDINANCE

During the course of my second audit, I found the procedures implemented by the Seattle Police Department to be in accordance with the provisions of the Ordinance. An inspection of the files and records revealed (a) no substantial violations of the Ordinance; and (b) a good-faith effort by the Seattle Police Department to comply with the Ordinance in all respects.

## III.

### RECOMMENDATIONS CONCERNING THE ORDINANCE

1. Definition of Law Enforcement Manual. Section 6(i) of the Ordinance provides for collection of private sexual or restricted information as an incidental reference, if "the information appears as part of the text of a printed law enforcement manual, disclosure of which would be detrimental to effective law enforcement".

The Ordinance does not define "printed law enforcement manual." There are often useful, written materials supplied from other law enforcement agencies that are of an educa-

tional nature regarding activities of certain groups or individuals. This information is often transmitted with the express understanding that it should be kept confidential and not kept in a place open for public inspection. Under the Ordinance, the information could be kept if it would fit into the definition of a "printed law enforcement manual". It is my recommendation that a definition of "printed law enforcement manual" should be added to the Ordinance that would be broad enough in its terms to allow the collection of these materials. The Auditor should be allowed to review these materials periodically to assure that their collection would not operate in a detrimental way to the purposes of the Ordinance.

2. Purging of Information Collected Prior to the Effective Date of the Ordinance. Section 40 of the Ordinance provides "this Ordinance shall not effect any action prior to its effective date". This language seems to indicate that materials collected before the passage of the Ordinance, although they may be in noncompliance, need not be purged. Although the Criminal Information Section has voluntarily instigated procedures to purge pre-Ordinance information, that could not have been collected under any circumstances if the Ordinance had been in effect; the Ordinance should, nevertheless, be clarified as to whether or not such purging is mandated.

3. Definition of "Collect". Section 3(b) of the Ordinance defines "collect" as follows: "Collect means to write down or preserve information in a tangible form as a record or file of the Department." This definition does not appear to be clear. The key inquiry is when does the information become a record or file of the Department. Is it at the time an officer finishes writing or typing the document, at the time the document has been approved by a supervisor, at the time the document results in the creation of a case number, at the time the document is distributed to another employee or section, at the time the investigation is begun or officially assigned, or at the time the document is indexed into a Department file so that it can be retrieved. The question of timing can become quite important. A reasonable definition would seem to allow an investigating officer to write down anything that seemed pertinent to the investigation and reserve for later the decision as to whether or not the information was violative of the Ordinance. This is an area which should be clarified.

4. General Philosophy of the Ordinance. The general philosophy of the Ordinance is directed to a very mechanical approach as to what can and cannot be done under certain factual circumstances. There are oftentimes situations that arise, that to a reasonable person would appear to be exceptions to those mechanical proscriptions. In those situations,

the Ordinance does not seem to allow for the exercise of judgment and latitude. Throughout the upcoming dialogue that will take place regarding the Ordinance by interested parties, I am sure that many of these specific situations will be discussed. From an operational point of view, it would be my recommendation that there should be some latitude in the strict mechanical implementation of the Ordinance in certain circumstances which would be reviewed and passed upon by the Police Intelligence Auditor.

DATED this 21st day of June, 1981.

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David D. Hoff  
Police Intelligence Auditor

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