

COMPTROLLER FILE No 298741

REPORT OF COMMITTEE

AUDIT REPORT of certain Police Department files; prepared by the Chief of Police pursuant to Ordinance No. 108333.

Honorable President:

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

Sponsored by:
PAGELLA

File 30 213192

Filed January 6, 1992
By Margaret Cook
Deputy
Brooks, City Comptroller

ACTION OF THE COUNCIL

Referred	<u>JAN 27 1992</u>	To	<u>Public Safety</u>
Referred		To	
Referred		To	
Reported	<u>FEB 24 1992</u>	Disposition	<u>PLACED ON FILE</u>
Re-referred		To	
Reported		Disposition	

REPORT OF COMMITTEE

Honorable President:

Your _____ Committee

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

File 3-0 213192

by _____
Controller

Deputy

FILE

Chairman

MACDONALD, HOAGUE & BAYLESS

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JOHN STRAIN
JOHN SULLIVAN
JAMES WATSON

January 2, 1992

The Honorable Jane Noland
Chair, Public Safety Committee
Seattle City Council
1100 Municipal Bldg
600 Fourth Avenue
Seattle, WA 98104

Dear Councilmember Noland:

Ordinance 10833 (the Intelligence Ordinance) requires the Auditor appointed by the City Council to review authorizations granted pursuant to the Ordinance together with investigative files associated with the authorizations; to perform a random check of department files and indexes; and to review files and records containing private sexual or restrictive information designated for purging except information not yet collected or purged.

The Ordinance also requires the Auditor to prepare and forward a written report of the audit to the Mayor, the City Council, the City Attorney and the City Comptroller for filing as a public record. Prior to filing, a preliminary report is to be delivered by the Auditor to the Chief of the Police Department for review and comment.

On December 17, 1991, Police Chief Patrick Fitzsimmons received a preliminary Police Intelligence Auditor's Report. After review, the report was approved by letter received on January 2, 1992.

I hereby forward to you and certify as final the enclosed Audit Report.

Sincerely,

MACDONALD, HOAGUE & BAYLESS


Katrin E. Frank

KEF/kss/Enc.
SPDL03/clkef

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REPORT OF
POLICE INTELLIGENCE AUDITOR
PURSUANT TO CITY OF SEATTLE ORDINANCE NO. 108333
BY
KATRIN E. FRANK, POLICE INTELLIGENCE AUDITOR

I.

AUDITING ACTIVITIES

During the months of July and December 1991, the Auditor conducted audits pursuant to Ordinance No. 108333 ("the Ordinance"). The audits focused on a review of files and records in the Criminal Information Unit, the Gang Unit, the East Precinct, and the Juvenile Unit. The following is a summary of those auditing activities.

1. Authorizations Pursuant to Section 14 of the Ordinance.

In 1991, the Department requested an Authorization to collect restricted information regarding the investigation of criminal activity of an organization in an attempt to gather information of likely continuing criminal activity. The Authorization expired after 90 days and no extension was sought.

The information and file collected pursuant to the Authorization were reviewed and found to be in compliance with the Ordinance.

An extension of an authorization which was in effect at the beginning of 1991 expired and no extension was sought. The Auditor had reviewed and reported on the authorization and extension in her 1990 year-end report.

2. Restricted Information Transmittal Log.

A 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 no referrals in 1991.

3. Dignitary Protection Files.

There have been no Authorizations for dignitary protection purposes in 1991.

4. Materials Open to Public Inspection.

Pursuant to Section 8 of the Ordinance, the Seattle Police Department Criminal Information Section has a selection of reference materials open to public inspection. This information is maintained for the use of police officers as background information, research materials, and as an aid in investigating specific incidents. Much of the information has recently been purged. There is an updated index of the materials available to the public. The materials and index appear to be regularly updated and are filed in an easily retrievable manner.

The information collected appears to meet the requirements of Section 8 of the Ordinance.

5. 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 contains certain information designated as "law enforcement manuals." This information was reviewed and appears to meet the standard of "law enforcement manuals" as that phrase is used in the Ordinance.

6. Review of Files of the Criminal Information Section, East Precinct, Juvenile Unit, and Gang Unit.

The Auditor reviewed the file developed in the Criminal Information Section since January 1, 1991 relating to the authorizations. The Auditor also reviewed selected files in the Gang Unit and the East Precinct. None of the files contained information in violation of the Ordinance.

7. Discussions with Police Personnel.

I met with police personnel in the Criminal Information Section, the Gang Unit, East Precinct, and Juvenile Division. We discussed methods of record keeping, use of computers, integration of Unit files with general Department files, communications between Departmental Units, and exchanges of information with outside agencies.

We discussed their understanding of the Ordinance, the meaning of the term "restricted" materials, and the impact of the Ordinance on the work and record keeping of the Section. We also discussed the ongoing review of reports by management for restricted information.

Promotional exams deal with collection of restricted information. There are training bulletins on the Ordinance and its enforcement. There is also supervisory and management training on the Ordinance.

The Auditor also discussed with various Department personnel whether other sections of the Department were engaged in activities which might come within the purview of the Ordinance.

There appears to be an understanding of the philosophy underlying the Ordinance and systematic overview to ensure action consistent with it.

The Auditor met with Capt. Brent Wingstrand of the Gang Unit. There was a discussion of the criteria the Unit uses to identify gang members, and the reasons the Unit keeps information about individuals who are suspected of being gang members.

The captain was familiar with the Intelligence Ordinance and with the type of information covered by the Ordinance and the applicability of the Ordinance to the work of the Unit.

The Auditor reviewed some files in the Gang Unit. The Captain described the record keeping and tracking system. He also provided a demonstration of how the Unit uses its computer to assist in identifying gang members and suspects of criminal activity. The files, records, and computer usage appeared to be in substantial compliance with the provisions of the Ordinance.

8. Information Designated for Purging.

Since the 1991 Authorization has expired, the Section intends to shred the file. Within days of receipt the Criminal Investigation Section shreds all non-LEIU information it receives which is not relevant to ongoing investigations or the mission of the Unit. LEIU cards are reviewed daily and restricted information blacked out. The Section also keeps a log of purged restricted information. The log had no entries for 1991. The Unit has conducted a major "housecleaning" this past year, purging a large quantity of dated material.

The Section has a three-year cycle for purging data not relevant to an ongoing investigation and a seven-year cycle for purging financial information.

9. Review of Criminal Information Section Manual.

The Director of the Criminal Intelligence Section provided to the Auditor a Criminal Information Section Manual.

The Manual identifies the responsibility of the Section and the intelligence philosophy of the Department, which parallels that expressed in the Ordinance. The Manual describes what information may be maintained in files, and the necessity of evaluating information for reliability and validity. It carefully delineates how information may be disseminated, how information is classified, how the files are structured and indexed on the computer, and the purging of files. The Manual also deals with public disclosure requests and provides forms for the requests as well as a description of material open to the public.

The Section has made a major effort to streamline its procedures and has created new forms, including an information form on which the individual must address reliability and content, as well as validity of the information gathered, and the crime suspected. There is also an audit trail for any document created, which includes a purge review function. An information request form in which there is a section requiring not only the name and subject of the information requested, but what information was actually disseminated. Additional forms were developed to report Dignitary Visit data gathered, what kind of

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information may be gathered to keep track of events, and what is reported to the Department. The forms appear to be premised on and closely track the Ordinance, and constitute an effort to ensure that the Section complies fully and completely with all aspects of the Ordinance.

The Auditor would like to commend Lt. Moffat for his work on the Manual with respect to Section 2, which deals expressly with the intelligence function.

10. Recommendation.

The Ordinance is cumbersome and difficult to work with. Nearly everyone the Auditor talked to about the Ordinance expressed concern that because of the complexity and obtuseness of the Ordinance, it is hard to be sure that one is in full compliance. After working with the Ordinance for a year and a half, the Auditor concurs with this assessment.

The Auditor therefore recommends that an effort be made to restructure the Ordinance, retaining all the concepts but in a more manageable and intelligible fashion. This would require rewriting several sections, primarily the "Definitions," "Usage," and "Exemptions" sections.

II.

SUBSTANTIAL VIOLATIONS OF THE ORDINANCE

The procedures implemented by the Seattle Police Department appear 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.

The Preliminary Report prepared and delivered to the Chief of the Seattle Police Department on December 17, 1991.

Final Report submitted on January 2, 1991.

Katrin E. Frank
Katrin E. Frank
Police Intelligence Auditor

KFP/mkp
1575-3
police/report.91

cc. check.

MACDONALD, HOAGUE & BAYLESS

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OF COUNSEL

January 2, 1992

Mr. Norward J. Brooks
City Comptroller, City of Seattle
1st Flr Seattle Municipal Bldg
Seattle, WA 98104

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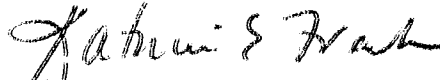
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Sincerely,

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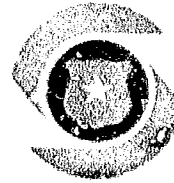
Katrin E. Frank

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Seattle Police Department

Patrick S. Fitzsimons, Chief of Police
Norman B. Rice, Mayor



January 6, 1992

Mr. Norward J. Brooks
Comptroller, City of Seattle
Seattle Municipal Building
Seattle, Washington 98104

Dear Mr. Brooks:

Pursuant to Ordinance 108333 and Seattle Municipal Code Section 14.12.330, I have reviewed the Report of Police Intelligence Auditor after receiving it on January 3, 1992.

The Audit Report 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.

I want to assure you of our continued intent to faithfully comply with the requirements of this Ordinance.

Very truly yours,

Patrick S. Fitzsimons
PATRICK S. FITZSIMONS
Chief of Police

WFM:ka

Enclosure

11 13 DEC 10 THE QUALITY OF THE DOCUMENT.

TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY
THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Margaret Peoples

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO:

PRESIDENT'S SIGNATURE