

CLERK FILE No. 299685

299685

REPORT OF COMMITTEE

Report of Police Intelligence Auditor
Pursuant to City of Seattle 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:
PAGELER

Full Council date

Filed: October 20, 1993

By: Margaret Carter
Deputy

ACTION OF THE COUNCIL

Referred	To
<u>NOV 22 1993</u>	
Referred	To
referred	To
Reported	Disposition
<u>AUG 29 1994</u>	PLACED ON DEFERRED
Re-referred	To
Reported	Disposition

299685

Police Auditor
Ordinance No.

Sponsored by:
PAGELER

93

Carter

COUNCIL

Disposition
PLACED ON DEFERRED

Disposition

99685

✓ 99685

REPORT OF COMMITTEE

City Auditor
Ordinance No.

Honorable President:

Your _____ Committee

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

Sponsored by:
PAGELER

93

Pat

Deputy

COUNCIL

Position
ED ON

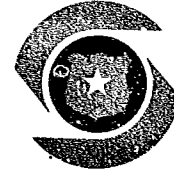
Position

Full Council vote 5-0

Chairman

Seattle Police Department

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



October 18, 1993

Judith Pippin
City Clerk, City of Seattle
1st Floor, Seattle Municipal Building
Seattle, Washington 98104

FILED
CITY OF SEATTLE
93 OCT 20 AM 8:35
CITY CLERK

Dear Ms. Pippin:

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 August 20, 1993.

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,

A handwritten signature in cursive script that reads "Acting Chief P. Fitzsimons".

PATRICK S. FITZSIMONS
Chief of Police

WFM:km

Enclosure

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RECEIVED
93 AUG 20 AM 11:34
CHIEF OF POLICE

REPORT OF
POLICE INTELLIGENCE AUDITOR
PURSUANT TO CITY OF SEATTLE ORDINANCE NO. 108333
BY
KATRIN E. FRANK, POLICE INTELLIGENCE AUDITOR
AUGUST 19, 1993

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I.

AUDITING ACTIVITIES

During the months of June and July 1993, the Auditor conducted an audit pursuant to Ordinance No. 108333 ("the Ordinance"), SMC Ch. 14.12. The audit focused on a review of files and records in the Criminal Information Unit, the South Precinct, and training information. The following is a summary of those auditing activities.

1. Authorizations § 14.12.150.

In 1993, the Department requested two Authorizations to collect restricted information. These Authorizations were requested to pursue investigation of criminal activity of two related organizations and one individual. The Authorizations were granted to gather information of likely continuing criminal activity relating to an ongoing criminal investigation. The Authorizations are current. The Department is aware that an Authorization expires after 90 days and will seek extensions as necessary pursuant to the Ordinance. SMC 14.12.170.

The information and files collected thus far pursuant to the Authorizations 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. No Authorizations have been sought between 1991 and 1993. The Auditor had reviewed and reported on the Authorization and extension in the 1990 year-end report. All material collected pursuant to that Authorization has been purged.

2. Restricted Information Transmittal Log, SMC 14.12.200, .240.

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, 1992, or 1993. The policy of the Department, consistent with the intent of the Ordinance, is to refer any requests for restricted information to the source of the document. The Department will not, under any circumstances, transmit documents containing restricted information which are not created by the Department.

3. Dignitary Protection Files, SMC 14.12.210, .230.

There have been no Authorizations for dignitary protection purposes in 1993.

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 related to criminal organizations. The Criminal Information Section regularly reviews the material open to public inspection and purges material that has become dated or has no further law enforcement value. 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. Much of the information found in these files is sent to the Department by organizations which produce the

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material. If such documents appear to contain factual information about the organization they are retained. If the material is political rhetoric it is discarded. This file and the decisions made about what to retain appear to comply with the requirements of the Ordinance, Section 14.12.100.

The Department maintains a notebook in chronological order in the Public Records Section which contains notices of demonstrations, rallies, conferences, concerts, and newspaper articles relating to those events. Some of the articles and notices have names highlighted. These materials were reviewed by the American Civil Liberties Union, and questions raised about the highlighting of names. According to Lt. Moffat, the names are highlighted for ease of communication regarding security for those events and for future related events where those individuals could be a resource to the Department. No separate files are kept about the organizations or individuals whose names are highlighted. There does not appear to be any cross-referencing of those names or events with other Department files.

5. Discussions with Police Personnel.

The Auditor met with police personnel in the Criminal Information Section and with various people in the South Precinct. 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 and within the Department.

We discussed their understanding of the Ordinance, the meaning of the term "restricted" information, and the impact of the

Ordinance on the work and record keeping of the various sections within the Precinct. We also discussed the ongoing review of reports by sergeants and lieutenants to ensure they contain no restricted information.

There were discussions with various members of the Precinct 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 a systematic review by senior officers in the Precinct to ensure actions and written materials are consistent with the Ordinance.

6. Information Designated for Purging.

It is unclear from the Ordinance what is to be done with information collected pursuant to an Authorization once the Authorization has expired and the investigation is concluded without charges being filed. The 1991 Authorization File has been shredded.

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

7. Training.

The Auditor reviewed some of the materials prepared to train Seattle Police Officers about the purpose and philosophy of the Police Investigations Ordinance. The Auditor discussed training with Lt. Moffat of the Criminal Investigation Section, with senior officers in the South Precinct, and with a training officer at the Seattle Police Academy. She reviewed materials provided by Lt. Moffat, by Capt. Ferguson, and by the Training Academy.

The Ordinance has become a well-accepted fact of life within the Department. The training at the Academy, which all Seattle Police Department recruits attend, is a one-hour explanation of the Ordinance, defining the terms used and informing them that restricted information and information about sexual orientation in and of themselves are not appropriate subjects for record keeping or investigation. The training highlights the major portions of the Ordinance and emphasizes the fact that restricted information and information about sexual orientation may not be gathered unless the information is reasonably relevant to the mission of the Department: to investigate crime, keep the peace, and guarantee the rights of citizens. The training emphasizes that the information cannot be collected or used for political purposes and that when it is permissible to collect such information it must be done in a manner which has the least impact on the individual(s) involved.

A Training Bulletin handed out with the academy training covers the same material. That Training Bulletin is also a part

of each patrol officer's materials. In addition, when an officer takes a test for promotion, knowledge of the Ordinance is tested. In-service training also addresses the Ordinance. It was difficult, however, to determine how frequently Officers are reminded of or receive training about the Ordinance. Nevertheless, in discussing the purpose of the Ordinance, it appears that there is an understanding of the reasons for the Ordinance, and strong attention paid to working within the confines of the Ordinance.

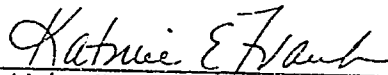
II.

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 August 6, 1993.

Final Report submitted on August 19, 1993.



Katrin E. Frank
Police Intelligence Auditor

KEF/mkpc
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police\report.93

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 Payer

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO:

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