

July 26, 2019

MEMORANDUM

To: Gender Equity, Safe Communities, New Americans, and Education Committee
From: Greg Doss, Council Central Staff
Subject: CF 314417 / CF 314423 & the Seattle Police Department Intelligence Ordinance

On July 31, 2019, the Gender Equity, Safe Communities, New Americans, and Education (GESCNA-Ed) Committee will review two clerk files (CF) and receive a briefing by the Office of the Inspector General for Public Safety (OIG) concerning the Police Intelligence Ordinance ([Ordinance 108333](#) passed in 1979 and codified as Seattle Municipal Code (SMC) [Chapter 14.12](#)).

Background

The Police Intelligence Ordinance governs the collection and recording of information about an individual or organization's political or religious associations, activities, beliefs, opinions or private sexual information. Seattle Municipal Code (SMC) 14.12 requires the OIG to annually audit police department files to ensure collection of this information is consistent with certain restrictions set forth in the code. The OIG's audit, published on June 21, 2019, is linked [HERE](#).

Files exempt from the OIG's annual audit include files that exclusively contain confidential information regarding organized criminal activity or narcotics activity as well as confidential information obtained from LEIU and the WSIN. SMC 14.12 requires Chief of Police for the Seattle Police Department (SPD) to audit these files and issue a summary report to the Mayor and City Council. These files are the subject of [CF 314417](#) and [CF 314423](#).

Summary of Clerk Files

CF 314417 reports that SPD provided two authorizations to collect information related to an individual's political affiliations. It also indicates that the department is extending one current authorization. Consistent with the Intelligence Ordinance, no further details are provided in the report.

CF 314423 reports that the Chief of Police audited/reviewed documents from the Law Enforcement Intelligence Unit (LEIU) and Western States Information Network (WSIN) and reports the following documents were reviewed:

- [53 Administrative Documents](#), which reflect law enforcement organizational memberships, but make no references to specific individuals;
- [117 Criminal Correspondence Documents](#), which contain or reference specific individuals; and
- [36 Informational Bulletins](#), which contain subject matter that is of interest to investigators, including information on training.

Summary of the OIG's Review of Intelligence Ordinance Files

[Ordinance 125315](#), passed in 2017, requires the OIG to conduct audits of the information collected pursuant to the Intelligence Ordinance. The first such audit will be discussed in the Council's Gender Equity, Safe Communities, New Americans and Education (GESCNA-Ed) Committee on July 31, 2019.

The OIG reports that the Intelligence Ordinance does not address modern methods of distributing information, resulting in inconsistent practices by different units within SPD. Additionally, OIG concludes that the wording of the Intelligence Ordinance is not specific enough for OIG to determine whether some of these practices are in violation of City code.

The OIG was unable to determine whether past authorizations issued by SPD complied with the Intelligence Ordinance because SPD disposed of relevant records in compliance with the Intelligence Ordinance's records and retention requirements. While the OIG did not find any specific issues involving unauthorized collection of information in a review of patrol reports, the OIG identified gaps in SPD training and policies which may create risks for future compliance.

Finally, the OIG determined that SPD records retention practices do not align with the retention requirements of the Intelligence Ordinance¹. The OIG's report recommends improving the validity and transparency associated with the police intelligence audit reports by identifying a need for clear SPD and Seattle Law Department policies and procedures on the written authorizations required to collect restricted information as well as requirements around records retention.

Please note that any future changes to the Intelligence Ordinance may also affect the Chief of Police audits, such as those contained in CF 314417 and CF 314423.

cc: Kirstan Arestad, Central Staff Director
Dan Eder, Deputy Director

¹ OIG acknowledges that the limits set by the SMC 14.12 for retaining records could conflict with state records retention requirements and restrict the ability of SPD to comply with public records requests or investigate misconduct and crime."