



City of Seattle
Mayor Jenny A. Durkan

MAYORAL DIRECTIVE

Date: February 6, 2018

To: City of Seattle Department Directors

From: Mayor Jenny A. Durkan

Subject: City of Seattle Protocol on Federal Immigration Enforcement

Background on Seattle as a Welcoming City

We have pledged to be a Welcoming City that protects all residents. This is not only the morally right thing to do, it is essential to a fundamental City duty. The City has a duty to protect the public safety of all of its residents. Confidence and trust in law enforcement is critical to this duty. Such confidence and trust supports essential functions of law enforcement including reporting of crimes to officers, participation of witnesses in investigations, and enhancing respect for law enforcement in our communities. This support for the essential work of law enforcement makes everyone in a community safer.

Many people do not distinguish the various types and roles of law enforcement. Positive and negative interactions with any law enforcement can adhere to all law enforcement. Recent actions and pronouncements by federal authorities, particularly by Federal Immigration and Customs Enforcement (ICE), undermine the trust and confidence essential to law enforcement. Many residents, regardless of their immigration status, may be unwilling to report crimes or participate in investigations because of concerns about potential impacts on others in their families or communities. This erodes and undermines the community trust that is essential for the City to provide public safety.

To bolster and maintain the trust needed for public safety, all residents must know we will take the steps necessary to protect them. Recent reports regarding lapses by government, including by the Washington State Department of Licensing, show we must have robust protocols for all City departments.

As discussed below, we will be assessing all Departments to determine what information is collected and distributed, whether that information is necessary to collect, and the need for individual departmental protocols. Until such assessment is completed the following will be effective immediately:

To further Seattle as a Welcoming City for all residents, including immigrant and refugee residents and workers, City department directors are hereby directed to refer all requests from ICE authorities to the Mayor's Office Legal Counsel, including:

- Access to non-public areas in City buildings and venues (i.e., areas not open to the public such as staff work areas that require card key access and other areas designated as “private” or “employee only”);
- Actions seeking data or information (written or oral) about City employees, residents or workers.

In all cases, City employees are directed to ask ICE agents to wait to enter any non-public areas until the Mayor’s Office Legal Counsel is contacted at (206) 471-0664. Counsel will review credentials, submission of written authority to conduct action, and determine whether to grant approval of access.

These protocols will work in conjunction with existing City ordinance and policy:

- **City employees are prohibited from asking about immigration status.** Often referred to as the City’s “don’t ask” law, [Seattle Ordinance 121063](#), passed in 2003, instructs all City employees to refrain from inquiring about the immigration status of any person except police officers where officers have a reasonable suspicion that a person 1) has previously been deported from the United States; (2) is again present in the United States; and (3) is committing or has committed a felony criminal-law violation.
- **City employees will serve all residents and city services will be accessible to all residents, regardless of immigration status.** Seattle Resolution 31730, passed in 2017, reaffirms Ordinance 121063 and states that city agencies and law enforcement cannot withhold services based on ancestry, race, ethnicity, national origin, color, age, sex, sexual orientation, gender identity, marital status, physical or mental disability, religion, or immigration status. See, also, [Seattle Resolution 30672](#), passed in 2004.

Assessment of City Systems

All City department directors will participate in an assessment of City policies and practices – including but not limited to employment, law enforcement, public safety, IT, and social service delivery. The purpose of the assessment is to assess City compliance with Seattle Municipal Code 4.18.15, and to gain a better understanding what information is collected by the City, whether collecting that information is necessary, and how the City’s work interacts with federal immigration enforcement.

All department directors shall identify a department lead to assist in this assessment by February 13, 2018.

City Contractors

City departments will issue a letter to all contractors receiving General Fund dollars to clarify and inform about the protocols described above. A communication will be issued by City departments to their contractors by March 6, 2018.

County Policy

As a reminder, jails are in King County's jurisdiction and enforcing civil federal immigration violations are in the purview of the U.S. Department of Homeland Security, City department directors are reminded to comply with the City's policy to defer to King County on ICE detainer requests.

- **City employees will refer detainer requests from the U.S. Department of Homeland Security's Immigration and Customs Enforcement (ICE) to King County.** King County Ordinance 17886 passed in 2014 clarifies that the County will not honor ICE requests for notification or detention, unless accompanied by a judicial warrant.

Directive for Implementation

To achieve full Department participation in ensuring that responses to ICE requests are consistent with [Seattle Ordinance 121063](#) and to assess departmental compliance with [Seattle Ordinance 121063, I request all Departments](#) identify a lead to the Mayor's Office by February 13, 2018.

Contact for Further Information

Thank you for your cooperation. If you have any questions, please contact Mayor's Office Legal Counsel, Ian Warner (206) 471.0664.

Pt. 20

(3) Inserted in any envelope and/or publication the contents of which may be construed to be inappropriate for association with the Missing Children Penalty Mail Program.

(e) Each component shall provide the General Services Staff, Justice Management Division, with the name(s), telephone number(s) and mailing address(es) of each designated Missing Children Program Coordinator within 30 days of the effective date of this regulation.

(f) Each component shall submit a quarterly report to the General Services Staff, Justice Management Division, within 5 days after the close of each Fiscal Year quarter providing the specific information identified in §19.5 concerning implementation and participation in the program.

PART 20—CRIMINAL JUSTICE INFORMATION SYSTEMS

Subpart A—General Provisions

Sec.

- 20.1 Purpose.
- 20.2 Authority.
- 20.3 Definitions.

Subpart B—State and Local Criminal History Record Information Systems

- 20.20 Applicability.
- 20.21 Preparation and submission of a Criminal History Record Information Plan.
- 20.22 Certification of compliance.
- 20.23 Documentation: Approval by OJARS.
- 20.24 State laws on privacy and security.
- 20.25 Penalties.

Subpart C—Federal Systems and Exchange of Criminal History Record Information

- 20.30 Applicability.
- 20.31 Responsibilities.
- 20.32 Includable offenses.
- 20.33 Dissemination of criminal history record information.
- 20.34 Individual's right to access criminal history record information.
- 20.35 Criminal Justice Information Services Advisory Policy Board.
- 20.36 Participation in the Interstate Identification Index System.
- 20.37 Responsibility for accuracy, completeness, currency, and integrity.
- 20.38 Sanction for noncompliance.

28 CFR Ch. I (7–1–10 Edition)

APPENDIX TO PART 20—COMMENTARY ON SELECTED SECTIONS OF THE REGULATIONS ON CRIMINAL HISTORY RECORD INFORMATION SYSTEMS

AUTHORITY: 28 U.S.C. 534; Pub. L. 92–544, 86 Stat. 1115; 42 U.S.C. 3711, *et seq.*, Pub. L. 99–169, 99 Stat. 1002, 1008–1011, as amended by Pub. L. 99–569, 100 Stat. 3190, 3196; Pub. L. 101–515, as amended by Pub. L. 104–99, set out in the notes to 28 U.S.C. 534.

SOURCE: Order No. 601–75, 40 FR 22114, May 20, 1975, unless otherwise noted.

Subpart A—General Provisions

SOURCE: 41 FR 11714, Mar. 19, 1976, unless otherwise noted.

§ 20.1 Purpose.

It is the purpose of these regulations to assure that criminal history record information wherever it appears is collected, stored, and disseminated in a manner to ensure the accuracy, completeness, currency, integrity, and security of such information and to protect individual privacy.

[Order No. 2258–99, 64 FR 52226, Sept. 28, 1999]

§ 20.2 Authority.

These regulations are issued pursuant to sections 501 and 524(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Crime Control Act of 1973, Public Law 93–83, 87 Stat. 197, 42 U.S.C. 3701, *et seq.* (Act), 28 U.S.C. 534, and Public Law 92–544, 86 Stat. 1115.

§ 20.3 Definitions.

As used in these regulations:

(a) *Act* means the Omnibus Crime Control and Safe Streets Act, 42 U.S.C. 3701, *et seq.*, as amended.

(b) *Administration of criminal justice* means performance of any of the following activities: Detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of criminal history record information.

(c) *Control Terminal Agency* means a duly authorized state, foreign, or international criminal justice agency with

direct access to the National Crime Information Center telecommunications network providing statewide (or equivalent) service to its criminal justice users with respect to the various systems managed by the FBI CJIS Division.

(d) *Criminal history record information* means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, including acquittal, sentencing, correctional supervision, and release. The term does not include identification information such as fingerprint records if such information does not indicate the individual's involvement with the criminal justice system.

(e) *Criminal history record information system* means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information.

(f) *Criminal history record repository* means the state agency designated by the governor or other appropriate executive official or the legislature to perform centralized recordkeeping functions for criminal history records and services in the state.

(g) *Criminal justice agency* means:

(1) Courts; and

(2) A governmental agency or any subunit thereof that performs the administration of criminal justice pursuant to a statute or executive order, and that allocates a substantial part of its annual budget to the administration of criminal justice. State and federal Inspector General Offices are included.

(h) *Direct access* means having the authority to access systems managed by the FBI CJIS Division, whether by manual or automated methods, not requiring the assistance of or intervention by any other party or agency.

(i) *Disposition* means information disclosing that criminal proceedings have been concluded and the nature of the termination, including information disclosing that the police have elected not to refer a matter to a prosecutor or that a prosecutor has elected not to

commence criminal proceedings; or disclosing that proceedings have been indefinitely postponed and the reason for such postponement. Dispositions shall include, but shall not be limited to, acquittal, acquittal by reason of insanity, acquittal by reason of mental incompetence, case continued without finding, charge dismissed, charge dismissed due to insanity, charge dismissed due to mental incompetency, charge still pending due to insanity, charge still pending due to mental incompetence, guilty plea, nolle prosequi, no paper, nolo contendere plea, convicted, youthful offender determination, deceased, deferred disposition, dismissed-civil action, found insane, found mentally incompetent, pardoned, probation before conviction, sentence commuted, adjudication withheld, mistrial-defendant discharged, executive clemency, placed on probation, paroled, or released from correctional supervision.

(j) *Executive order* means an order of the President of the United States or the Chief Executive of a state that has the force of law and that is published in a manner permitting regular public access.

(k) *Federal Service Coordinator* means a non-Control Terminal Agency that has a direct telecommunications line to the National Crime Information Center network.

(l) *Fingerprint Identification Records System* or "FIRS" means the following FBI records: Criminal fingerprints and/or related criminal justice information submitted by authorized agencies having criminal justice responsibilities; civil fingerprints submitted by federal agencies and civil fingerprints submitted by persons desiring to have their fingerprints placed on record for personal identification purposes; identification records, sometimes referred to as "rap sheets," which are compilations of criminal history record information pertaining to individuals who have criminal fingerprints maintained in the FIRS; and a name index pertaining to all individuals whose fingerprints are maintained in the FIRS. See the FIRS Privacy Act System Notice periodically published in the FEDERAL REGISTER for further details.

§ 20.20

(m) *Interstate Identification Index System* or “III System” means the cooperative federal-state system for the exchange of criminal history records, and includes the National Identification Index, the National Fingerprint File, and, to the extent of their participation in such system, the criminal history record repositories of the states and the FBI.

(n) *National Crime Information Center* or “NCIC” means the computerized information system, which includes telecommunications lines and any message switching facilities that are authorized by law, regulation, or policy approved by the Attorney General of the United States to link local, state, tribal, federal, foreign, and international criminal justice agencies for the purpose of exchanging NCIC related information. The NCIC includes, but is not limited to, information in the III System. See the NCIC Privacy Act System Notice periodically published in the FEDERAL REGISTER for further details.

(o) *National Fingerprint File* or “NFF” means a database of fingerprints, or other uniquely personal identifying information, relating to an arrested or charged individual maintained by the FBI to provide positive identification of record subjects indexed in the III System.

(p) *National Identification Index* or “NII” means an index maintained by the FBI consisting of names, identifying numbers, and other descriptive information relating to record subjects about whom there are criminal history records in the III System.

(q) *Nonconviction data* means arrest information without disposition if an interval of one year has elapsed from the date of arrest and no active prosecution of the charge is pending; information disclosing that the police have elected not to refer a matter to a prosecutor, that a prosecutor has elected not to commence criminal proceedings, or that proceedings have been indefinitely postponed; and information that there has been an acquittal or a dismissal.

(r) *State* means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

28 CFR Ch. I (7–1–10 Edition)

(s) *Statute* means an Act of Congress or of a state legislature or a provision of the Constitution of the United States or of a state.

[Order No. 2258–99, 64 FR 52226, Sept. 28, 1999]

Subpart B—State and Local Criminal History Record Information Systems

SOURCE: 41 FR 11715, Mar. 19, 1976, unless otherwise noted.

§ 20.20 Applicability.

(a) The regulations in this subpart apply to all State and local agencies and individuals collecting, storing, or disseminating criminal history record information processed by manual or automated operations where such collection, storage, or dissemination has been funded in whole or in part with funds made available by the Law Enforcement Assistance Administration subsequent to July 1, 1973, pursuant to title I of the Act. Use of information obtained from the FBI Identification Division or the FBI/NCIC system shall also be subject to limitations contained in subpart C.

(b) The regulations in this subpart shall not apply to criminal history record information contained in:

(1) Posters, announcements, or lists for identifying or apprehending fugitives or wanted persons;

(2) Original records of entry such as police blotters maintained by criminal justice agencies, compiled chronologically and required by law or long standing custom to be made public, if such records are organized on a chronological basis;

(3) Court records of public judicial proceedings;

(4) Published court or administrative opinions or public judicial, administrative or legislative proceedings;

(5) Records of traffic offenses maintained by State departments of transportation, motor vehicles or the equivalent thereof for the purpose of regulating the issuance, suspension, revocation, or renewal of driver’s, pilot’s or other operators’ licenses;

(6) Announcements of executive clemency.

(c) Nothing in these regulations prevents a criminal justice agency from disclosing to the public criminal history record information related to the offense for which an individual is currently within the criminal justice system. Nor is a criminal justice agency prohibited from confirming prior criminal history record information to members of the news media or any other person, upon specific inquiry as to whether a named individual was arrested, detained, indicted, or whether an information or other formal charge was filed, on a specified date, if the arrest record information or criminal record information disclosed is based on data excluded by paragraph (b) of this section. The regulations do not prohibit the dissemination of criminal history record information for purposes of international travel, such as issuing visas and granting of citizenship.

§ 20.21 Preparation and submission of a Criminal History Record Information Plan.

A plan shall be submitted to OJARS by each State on March 16, 1976, to set forth all operational procedures, except those portions relating to dissemination and security. A supplemental plan covering these portions shall be submitted no later than 90 days after promulgation of these amended regulations. The plan shall set forth operational procedures to—

(a) *Completeness and accuracy.* Insure that criminal history record information is complete and accurate.

(1) Complete records should be maintained at a central State repository. To be complete, a record maintained at a central State repository which contains information that an individual has been arrested, and which is available for dissemination, must contain information of any dispositions occurring within the State within 90 days after the disposition has occurred. The above shall apply to all arrests occurring subsequent to the effective date of these regulations. Procedures shall be established for criminal justice agencies to query the central repository prior to dissemination of any criminal history record information unless it can be assured that the most up-to-date disposition data is being used. In-

quiries of a central State repository shall be made prior to any dissemination except in those cases where time is of the essence and the repository is technically incapable of responding within the necessary time period.

(2) To be accurate means that no record containing criminal history record information shall contain erroneous information. To accomplish this end, criminal justice agencies shall institute a process of data collection, entry, storage, and systematic audit that will minimize the possibility of recording and storing inaccurate information and upon finding inaccurate information of a material nature, shall notify all criminal justice agencies known to have received such information.

(b) *Limitations on dissemination.* Insure that dissemination of nonconviction data has been limited, whether directly or through any intermediary only to:

(1) Criminal justice agencies, for purposes of the administration of criminal justice and criminal justice agency employment;

(2) Individuals and agencies for any purpose authorized by statute, ordinance, executive order, or court rule, decision, or order, as construed by appropriate State or local officials or agencies;

(3) Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement. The agreement shall specifically authorize access to data, limit the use of data to purposes for which given, insure the security and confidentiality of the data consistent with these regulations, and provide sanctions for violation thereof;

(4) Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency. The agreement shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, insure the confidentiality and security of the data consistent with these regulations and with section 524(a) of the Act and any regulations implementing section

§ 20.21

28 CFR Ch. I (7-1-10 Edition)

524(a), and provide sanctions for the violation thereof. These dissemination limitations do not apply to conviction data.

(c) *General policies on use and dissemination.* (1) Use of criminal history record information disseminated to noncriminal justice agencies shall be limited to the purpose for which it was given.

(2) No agency or individual shall confirm the existence or nonexistence of criminal history record information to any person or agency that would not be eligible to receive the information itself.

(3) Subsection (b) does not mandate dissemination of criminal history record information to any agency or individual. States and local governments will determine the purposes for which dissemination of criminal history record information is authorized by State law, executive order, local ordinance, court rule, decision or order.

(d) *Juvenile records.* Insure that dissemination of records concerning proceedings relating to the adjudication of a juvenile as delinquent or in need or supervision (or the equivalent) to non-criminal justice agencies is prohibited, unless a statute, court order, rule or court decision specifically authorizes dissemination of juvenile records, except to the same extent as criminal history records may be disseminated as provided in paragraph (b) (3) and (4) of this section.

(e) *Audit.* Insure that annual audits of a representative sample of State and local criminal justice agencies chosen on a random basis shall be conducted by the State to verify adherence to these regulations and that appropriate records shall be retained to facilitate such audits. Such records shall include, but are not limited to, the names of all persons or agencies to whom information is disseminated and the date upon which such information is disseminated. The reporting of a criminal justice transaction to a State, local or Federal repository is not a dissemination of information.

(f) *Security.* Wherever criminal history record information is collected, stored, or disseminated, each State shall insure that the following requirements are satisfied by security stand-

ards established by State legislation, or in the absence of such legislation, by regulations approved or issued by the Governor of the State.

(1) Where computerized data processing is employed, effective and technologically advanced software and hardware designs are instituted to prevent unauthorized access to such information.

(2) Access to criminal history record information system facilities, systems operating environments, data file contents whether while in use or when stored in a media library, and system documentation is restricted to authorized organizations and personnel.

(3)(i) Computer operations, whether dedicated or shared, which support criminal justice information systems, operate in accordance with procedures developed or approved by the participating criminal justice agencies that assure that:

(a) Criminal history record information is stored by the computer in such manner that it cannot be modified, destroyed, accessed, changed, purged, or overlaid in any fashion by non-criminal justice terminals.

(b) Operation programs are used that will prohibit inquiry, record updates, or destruction of records, from any terminal other than criminal justice system terminals which are so designated.

(c) The destruction of records is limited to designated terminals under the direct control of the criminal justice agency responsible for creating or storing the criminal history record information.

(d) Operational programs are used to detect and store for the output of designated criminal justice agency employees all unauthorized attempts to penetrate any criminal history record information system, program or file.

(e) The programs specified in paragraphs (f)(3)(i) (b) and (d) of this section are known only to criminal justice agency employees responsible for criminal history record information system control or individuals and agencies pursuant to a specific agreement with the criminal justice agency to provide such programs and the program(s) are kept continuously under maximum security conditions.

Department of Justice

§ 20.22

(f) Procedures are instituted to assure that an individual or agency authorized direct access is responsible for (1) the physical security of criminal history record information under its control or in its custody and (2) the protection of such information from unauthorized access, disclosure or dissemination.

(g) Procedures are instituted to protect any central repository of criminal history record information from unauthorized access, theft, sabotage, fire, flood, wind, or other natural or man-made disasters.

(ii) A criminal justice agency shall have the right to audit, monitor and inspect procedures established above.

(4) The criminal justice agency will:

(i) Screen and have the right to reject for employment, based on good cause, all personnel to be authorized to have direct access to criminal history record information.

(ii) Have the right to initiate or cause to be initiated administrative action leading to the transfer or removal of personnel authorized to have direct access to such information where such personnel violate the provisions of these regulations or other security requirements established for the collection, storage, or dissemination of criminal history record information.

(iii) Institute procedures, where computer processing is not utilized, to assure that an individual or agency authorized direct access is responsible for

(a) The physical security of criminal history record information under its control or in its custody and

(b) The protection of such information from unauthorized access, disclosure, or dissemination.

(iv) Institute procedures, where computer processing is not utilized, to protect any central repository of criminal history record information from unauthorized access, theft, sabotage, fire, flood, wind, or other natural or man-made disasters.

(v) Provide that direct access to criminal history record information shall be available only to authorized officers or employees of a criminal justice agency and, as necessary, other authorized personnel essential to the proper operation of the criminal history record information system.

(5) Each employee working with or having access to criminal history record information shall be made familiar with the substance and intent of these regulations.

(g) *Access and review.* Insure the individual's right to access and review of criminal history information for purposes of accuracy and completeness by instituting procedures so that—

(1) Any individual shall, upon satisfactory verification of his identity, be entitled to review without undue burden to either the criminal justice agency or the individual, any criminal history record information maintained about the individual and obtain a copy thereof when necessary for the purpose of challenge or correction;

(2) Administrative review and necessary correction of any claim by the individual to whom the information relates that the information is inaccurate or incomplete is provided;

(3) The State shall establish and implement procedures for administrative appeal where a criminal justice agency refuses to correct challenged information to the satisfaction of the individual to whom the information relates;

(4) Upon request, an individual whose record has been corrected shall be given the names of all non-criminal justice agencies to whom the data has been given;

(5) The correcting agency shall notify all criminal justice recipients of corrected information; and

(6) The individual's right to access and review of criminal history record information shall not extend to data contained in intelligence, investigatory, or other related files and shall not be construed to include any other information than that defined by §20.3(b).

[41 FR 11715, Mar. 19, 1976, as amended at 42 FR 61595, Dec. 6, 1977]

§ 20.22 Certification of compliance.

(a) Each State to which these regulations are applicable shall with the submission of its plan provide a certification that to the maximum extent feasible action has been taken to comply with the procedures set forth in the plan. Maximum extent feasible, in this subsection, means actions which can be

§ 20.23

taken to comply with the procedures set forth in the plan that do not require additional legislative authority or involve unreasonable cost or do not exceed existing technical ability.

(b) The certification shall include—

(1) An outline of the action which has been instituted. At a minimum, the requirements of access and review under § 20.21(g) must be completely operational;

(2) A description of any legislation or executive order, or attempts to obtain such authority that has been instituted to comply with these regulations;

(3) A description of the steps taken to overcome any fiscal, technical, and administrative barriers to the development of complete and accurate criminal history record information;

(4) A description of existing system capability and steps being taken to upgrade such capability to meet the requirements of these regulations; and

(5) A listing setting forth categories of non-criminal justice dissemination. See § 20.21(b).

§ 20.23 Documentation: Approval by OJARS.

Within 90 days of the receipt of the plan, OJARS shall approve or disapprove the adequacy of the provisions of the plan and certification. Evaluation of the plan by OJARS will be based upon whether the procedures set forth will accomplish the required objectives. The evaluation of the certification(s) will be based upon whether a good faith effort has been shown to initiate and/or further compliance with the plan and regulations. All procedures in the approved plan must be fully operational and implemented by March 1, 1978. A final certification shall be submitted on March 1, 1978.

Where a State finds it is unable to provide final certification that all required procedures as set forth in § 20.21 will be operational by March 1, 1978, a further extension of the deadline will be granted by OJARS upon a showing that the State has made a good faith effort to implement these regulations to the maximum extent feasible. Documentation justifying the request for the extension including a proposed timetable for full compliance must be submitted to OJARS by March 1, 1978.

28 CFR Ch. I (7-1-10 Edition)

Where a State submits a request for an extension, the implementation date will be extended an additional 90 days while OJARS reviews the documentation for approval or disapproval. To be approved, such revised schedule must be consistent with the timetable and procedures set out below:

(a) July 31, 1978—Submission of certificate of compliance with:

(1) Individual access, challenge, and review requirements;

(2) Administrative security;

(3) Physical security to the maximum extent feasible.

(b) Thirty days after the end of a State's next legislative session—Submission to OJARS of a description of State policy on dissemination of criminal history record information.

(c) Six months after the end of a State's legislative session—Submission to OJARS of a brief and concise description of standards and operating procedures to be followed by all criminal justice agencies covered by OJARS regulations in complying with the State policy on dissemination.

(d) Eighteen months after the end of a State's legislative session—Submission to OJARS of a certificate attesting to the conduct of an audit of the State central repository and of a random number of other criminal justice agencies in compliance with OJARS regulations.

[41 FR 11715, Mar. 19, 1976, as amended at 42 FR 61596, Dec. 6, 1977]

§ 20.24 State laws on privacy and security.

Where a State originating criminal history record information provides for sealing or purging thereof, nothing in these regulations shall be construed to prevent any other State receiving such information, upon notification, from complying with the originating State's sealing or purging requirements.

§ 20.25 Penalties.

Any agency or individual violating subpart B of these regulations shall be subject to a civil penalty not to exceed \$10,000 for a violation occurring before September 29, 1999, and not to exceed \$11,000 for a violation occurring on or after September 29, 1999. In addition,

Department of Justice

§ 20.32

OJARS may initiate fund cut-off procedures against recipients of OJARS assistance.

[41 FR 11715, Mar. 19, 1976, as amended by Order No. 2249-99, 64 FR 47102, Aug. 30, 1999]

Subpart C—Federal Systems and Exchange of Criminal History Record Information

SOURCE: Order No. 2258-99, 64 FR 52227, Sept. 28, 1999, unless otherwise noted.

§ 20.30 Applicability.

The provisions of this subpart of the regulations apply to the III System and the FIRS, and to duly authorized local, state, tribal, federal, foreign, and international criminal justice agencies to the extent that they utilize the services of the III System or the FIRS. This subpart is applicable to both manual and automated criminal history records.

§ 20.31 Responsibilities.

(a) The Federal Bureau of Investigation (FBI) shall manage the NCIC.

(b) The FBI shall manage the FIRS to support identification and criminal history record information functions for local, state, tribal, and federal criminal justice agencies, and for non-criminal justice agencies and other entities where authorized by federal statute, state statute pursuant to Public Law 92-544, 86 Stat. 1115, Presidential executive order, or regulation or order of the Attorney General of the United States.

(c) The FBI CJIS Division may manage or utilize additional telecommunication facilities for the exchange of fingerprints, criminal history record related information, and other criminal justice information.

(d) The FBI CJIS Division shall maintain the master fingerprint files on all offenders included in the III System and the FIRS for the purposes of determining first offender status; to identify those offenders who are unknown in states where they become criminally active but are known in other states through prior criminal history records; and to provide identification assistance in disasters and for other humanitarian purposes.

(e) The FBI may routinely establish and collect fees for noncriminal justice fingerprint-based and other identification services as authorized by Federal law. These fees apply to Federal, State and any other authorized entities requesting fingerprint identification records and name checks for non-criminal justice purposes.

(1) The Director of the FBI shall review the amount of the fee periodically, but not less than every four years, to determine the current cost of processing fingerprint identification records and name checks for non-criminal justice purposes.

(2) Fee amounts and any revisions thereto shall be determined by current costs, using a method of analysis consistent with widely accepted accounting principles and practices, and calculated in accordance with the provisions of 31 U.S.C. 9701 and other Federal law as applicable.

(3) Fee amounts and any revisions thereto shall be published as a notice in the FEDERAL REGISTER.

(f) The FBI will collect a fee for providing noncriminal name-based background checks of the FBI Central Records System through the National Name Check Program pursuant to the authority in Pub. L. 101-515 and in accordance with paragraphs (e)(1), (2) and (3) of this section.

[41 FR 11715, Mar. 19, 1976, as amended at 75 FR 18755, Apr. 13, 2010; 75 FR 24798, May 6, 2010]

§ 20.32 Includable offenses.

(a) Criminal history record information maintained in the III System and the FIRS shall include serious and/or significant adult and juvenile offenses.

(b) The FIRS excludes arrests and court actions concerning nonserious offenses, e.g., drunkenness, vagrancy, disturbing the peace, curfew violation, loitering, false fire alarm, non-specific charges of suspicion or investigation, and traffic violations (except data will be included on arrests for vehicular manslaughter, driving under the influence of drugs or liquor, and hit and run), when unaccompanied by a § 20.32(a) offense. These exclusions may not be applicable to criminal history records maintained in state criminal

§ 20.33

history record repositories, including those states participating in the NFF.

(c) The exclusions enumerated above shall not apply to federal manual criminal history record information collected, maintained, and compiled by the FBI prior to the effective date of this subpart.

§ 20.33 Dissemination of criminal history record information.

(a) Criminal history record information contained in the III System and the FIRS may be made available:

(1) To criminal justice agencies for criminal justice purposes, which purposes include the screening of employees or applicants for employment hired by criminal justice agencies;

(2) To federal agencies authorized to receive it pursuant to federal statute or Executive order;

(3) For use in connection with licensing or employment, pursuant to Public Law 92-544, 86 Stat. 1115, or other federal legislation, and for other uses for which dissemination is authorized by federal law. Refer to § 50.12 of this chapter for dissemination guidelines relating to requests processed under this paragraph;

(4) For issuance of press releases and publicity designed to effect the apprehension of wanted persons in connection with serious or significant offenses;

(5) To criminal justice agencies for the conduct of background checks under the National Instant Criminal Background Check System (NICS);

(6) To noncriminal justice governmental agencies performing criminal justice dispatching functions or data processing/ information services for criminal justice agencies; and

(7) To private contractors pursuant to a specific agreement with an agency identified in paragraphs (a)(1) or (a)(6) of this section and for the purpose of providing services for the administration of criminal justice pursuant to that agreement. The agreement must incorporate a security addendum approved by the Attorney General of the United States, which shall specifically authorize access to criminal history record information, limit the use of the information to the purposes for which it is provided, ensure the security and

confidentiality of the information consistent with these regulations, provide for sanctions, and contain such other provisions as the Attorney General may require. The power and authority of the Attorney General hereunder shall be exercised by the FBI Director (or the Director's designee).

(b) The exchange of criminal history record information authorized by paragraph (a) of this section is subject to cancellation if dissemination is made outside the receiving departments, related agencies, or service providers identified in paragraphs (a)(6) and (a)(7) of this section.

(c) Nothing in these regulations prevents a criminal justice agency from disclosing to the public factual information concerning the status of an investigation, the apprehension, arrest, release, or prosecution of an individual, the adjudication of charges, or the correctional status of an individual, which is reasonably contemporaneous with the event to which the information relates.

(d) Criminal history records received from the III System or the FIRS shall be used only for the purpose requested and a current record should be requested when needed for a subsequent authorized use.

§ 20.34 Individual's right to access criminal history record information.

The procedures by which an individual may obtain a copy of his or her identification record from the FBI to review and request any change, correction, or update are set forth in §§ 16.30-16.34 of this chapter. The procedures by which an individual may obtain a copy of his or her identification record from a state or local criminal justice agency are set forth in § 20.34 of the appendix to this part.

§ 20.35 Criminal Justice Information Services Advisory Policy Board.

(a) There is established a CJIS Advisory Policy Board, the purpose of which is to recommend to the FBI Director general policy with respect to the philosophy, concept, and operational principles of various criminal justice information systems managed by the FBI's CJIS Division.

(b) The Board includes representatives from state and local criminal justice agencies; members of the judicial, prosecutorial, and correctional segments of the criminal justice community; a representative of federal agencies participating in the CJIS systems; and representatives of criminal justice professional associations.

(c) All members of the Board will be appointed by the FBI Director.

(d) The Board functions solely as an advisory body in compliance with the provisions of the Federal Advisory Committee Act, Title 5, United States Code, Appendix 2.

§ 20.36 Participation in the Interstate Identification Index System.

(a) In order to acquire and retain direct access to the III System, each Control Terminal Agency and Federal Service Coordinator shall execute a CJIS User Agreement (or its functional equivalent) with the Assistant Director in Charge of the CJIS Division, FBI, to abide by all present rules, policies, and procedures of the NCIC, as well as any rules, policies, and procedures hereinafter recommended by the CJIS Advisory Policy Board and adopted by the FBI Director.

(b) Entry or updating of criminal history record information in the III System will be accepted only from state or federal agencies authorized by the FBI. Terminal devices in other agencies will be limited to inquiries.

§ 20.37 Responsibility for accuracy, completeness, currency, and integrity.

It shall be the responsibility of each criminal justice agency contributing data to the III System and the FIRS to assure that information on individuals is kept complete, accurate, and current so that all such records shall contain to the maximum extent feasible dispositions for all arrest data included therein. Dispositions should be submitted by criminal justice agencies within 120 days after the disposition has occurred.

§ 20.38 Sanction for noncompliance.

Access to systems managed or maintained by the FBI is subject to cancellation in regard to any agency or en-

tity that fails to comply with the provisions of subpart C of this part.

APPENDIX TO PART 20—COMMENTARY ON SELECTED SECTIONS OF THE REGULATIONS ON CRIMINAL HISTORY RECORD INFORMATION SYSTEMS

Subpart A—§ 20.3(d). The definition of criminal history record information is intended to include the basic offender-based transaction statistics/III System (OBTS/III) data elements. If notations of an arrest, disposition, or other formal criminal justice transaction occurs in records other than the traditional "rap sheet," such as arrest reports, any criminal history record information contained in such reports comes under the definition of this subsection.

The definition, however, does not extend to other information contained in criminal justice agency reports. Intelligence or investigative information (e.g., suspected criminal activity, associates, hangouts, financial information, and ownership of property and vehicles) is not included in the definition of criminal history information.

§ 20.3(g). The definitions of criminal justice agency and administration of criminal justice in § 20.3(b) of this part must be considered together. Included as criminal justice agencies would be traditional police, courts, and corrections agencies, as well as subunits of noncriminal justice agencies that perform the administration of criminal justice pursuant to a federal or state statute or executive order and allocate a substantial portion of their budgets to the administration of criminal justice. The above subunits of noncriminal justice agencies would include, for example, the Office of Investigation of the Food and Drug Administration, which has as its principal function the detection and apprehension of persons violating criminal provisions of the Federal Food, Drug and Cosmetic Act. Also included under the definition of criminal justice agency are umbrella-type administrative agencies supplying criminal history information services, such as New York's Division of Criminal Justice Services.

§ 20.3(i). Disposition is a key concept in section 524(b) of the Act and in §§ 20.21(a)(1) and 20.21(b) of this part. It therefore is defined in some detail. The specific dispositions listed in this subsection are examples only and are not to be construed as excluding other, unspecified transactions concluding criminal proceedings within a particular agency.

§ 20.3(q). The different kinds of acquittals and dismissals delineated in § 20.3(i) are all considered examples of nonconviction data.

Subpart B—§ 20.20(a). These regulations apply to criminal justice agencies receiving funds under the Omnibus Crime Control and Safe Streets Act for manual or automated

systems subsequent to July 1, 1973. In the hearings on the regulations, a number of those testifying challenged LEAA's authority to promulgate regulations for manual systems by contending that section 524(b) of the Act governs criminal history information contained in automated systems.

The intent of section 524(b), however, would be subverted by only regulating automated systems. Any agency that wished to circumvent the regulations would be able to create duplicate manual files for purposes contrary to the letter and spirit of the regulations.

Regulation of manual systems, therefore, is authorized by section 524(b) when coupled with section 501 of the Act which authorizes the Administration to establish rules and regulations "necessary to the exercise of its functions * * *."

The Act clearly applies to all criminal history record information collected, stored, or disseminated with LEAA support subsequent to July 1, 1973.

Limitations as contained in subpart C also apply to information obtained from the FBI Identification Division or the FBI/NCIC System.

§20.20 (b) and (c). Section 20.20 (b) and (c) exempts from regulations certain types of records vital to the apprehension of fugitives, freedom of the press, and the public's right to know. Court records of public judicial proceedings are also exempt from the provisions of the regulations.

Section 20.20(b)(2) attempts to deal with the problem of computerized police blotters. In some local jurisdictions, it is apparently possible for private individuals and/or newsmen upon submission of a specific name to obtain through a computer search of the blotter a history of a person's arrests. Such files create a partial criminal history data bank potentially damaging to individual privacy, especially since they do not contain final dispositions. By requiring that such records be accessed solely on a chronological basis, the regulations limit inquiries to specific time periods and discourage general fishing expeditions into a person's private life.

Subsection 20.20(c) recognizes that announcements of ongoing developments in the criminal justice process should not be precluded from public disclosure. Thus, announcements of arrest, convictions, new developments in the course of an investigation may be made. It is also permissible for a criminal justice agency to confirm certain matters of public record information upon specific inquiry. Thus, if a question is raised: "Was X arrested by your agency on January 3, 1975" and this can be confirmed or denied by looking at one of the records enumerated in subsection (b) above, then the criminal justice agency may respond to the inquiry.

Conviction data as stated in §20.21(b) may be disseminated without limitation.

§20.21. The regulations deliberately refrain from specifying who within a State should be responsible for preparing the plan. This specific determination should be made by the Governor. The State has 90 days from the publication of these revised regulations to submit the portion of the plan covering §§20.21(b) and 20.21(f).

§20.21(a)(1). Section 524(b) of the Act requires that LEAA insure criminal history information be current and that, to the maximum extent feasible, it contain disposition as well as current data.

It is, however, economically and administratively impractical to maintain complete criminal histories at the local level. Arrangements for local police departments to keep track of dispositions by agencies outside of the local jurisdictions generally do not exist. It would, moreover, be bad public policy to encourage such arrangements since it would result in an expensive duplication of files.

The alternatives to locally kept criminal histories are records maintained by a central State repository. A central State repository is a State agency having the function pursuant to a statute or executive order of maintaining comprehensive statewide criminal history record information files. Ultimately, through automatic data processing the State level will have the capability to handle all requests for in-State criminal history information.

Section 20.20(a)(1) is written with a centralized State criminal history repository in mind. The first sentence of the subsection states that complete records should be retained at a central State repository. The word "should" is permissive; it suggests but does not mandate a central State repository.

The regulations do require that States establish procedures for State and local criminal justice agencies to query central State repositories wherever they exist. Such procedures are intended to insure that the most current criminal justice information is used.

As a minimum, criminal justice agencies subject to these regulations must make inquiries of central State repositories whenever the repository is capable of meeting the user's request within a reasonable time. Presently, comprehensive records of an individual's transactions within a State are maintained in manual files at the State level, if at all. It is probably unrealistic to expect manual systems to be able immediately to meet many rapid-access needs of police and prosecutors. On the other hand, queries of the State central repository for most noncriminal justice purposes probably can and should be made prior to dissemination of criminal history record information.

§20.21(b). The limitations on dissemination in this subsection are essential to fulfill the

mandate of section 524(b) of the Act which requires the Administration to assure that the "privacy of all information is adequately provided for and that information shall only be used for law enforcement and criminal justice and other lawful purposes." The categories for dissemination established in this section reflect suggestions by hearing witnesses and respondents submitting written commentary.

The regulations distinguish between conviction and nonconviction information insofar as dissemination is concerned. Conviction information is currently made available without limitation in many jurisdictions. Under these regulations, conviction data and pending charges could continue to be disseminated routinely. No statute, ordinance, executive order, or court rule is necessary in order to authorize dissemination of conviction data. However, nothing in the regulations shall be construed to negate a State law limiting such dissemination.

After December 31, 1977, dissemination of nonconviction data would be allowed, if authorized by a statute, ordinance, executive order, or court rule, decision, or order. The December 31, 1977, deadline allows the States time to review and determine the kinds of dissemination for non-criminal justice purposes to be authorized. When a State enacts comprehensive legislation in this area, such legislation will govern dissemination by local jurisdictions within the State. It is possible for a public record law which has been construed by the State to authorize access to the public of all State records, including criminal history record information, to be considered as statutory authority under this subsection. Federal legislation and executive orders can also authorize dissemination and would be relevant authority.

For example, Civil Service suitability investigations are conducted under Executive Order 10450. This is the authority for most investigations conducted by the Commission. Section 3(a) of 10450 prescribes the minimum scope of investigation and requires a check of FBI fingerprint files and written inquiries to appropriate law enforcement agencies.

§20.21(b)(3). This subsection would permit private agencies such as the Vera Institute to receive criminal histories where they perform a necessary administration of justice function such as pretrial release. Private consulting firms which commonly assist criminal justice agencies in information systems development would also be included here.

§20.21(b)(4). Under this subsection, any good faith researchers including private individuals would be permitted to use criminal history record information for research purposes. As with the agencies designated in §20.21(b)(3) researchers would be bound by an agreement with the disseminating criminal

justice agency and would, of course, be subject to the sanctions of the Act.

The drafters of the regulations expressly rejected a suggestion which would have limited access for research purposes to certified research organizations. Specifically "certification" criteria would have been extremely difficult to draft and would have inevitably led to unnecessary restrictions on legitimate research.

Section 524(a) of the Act which forms part of the requirements of this section states:

"Except as provided by Federal law other than this title, no officer or employee of the Federal Government, nor any recipient of assistance under the provisions of this title shall use or reveal any research or statistical information furnished under this title by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this title. Copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action suit, or other judicial or administrative proceedings."

LEAA anticipates issuing regulations, pursuant to section 524(a) as soon as possible.

§20.21(c)(2). Presently some employers are circumventing State and local dissemination restrictions by requesting applicants to obtain an official certification of no criminal record. An employer's request under the above circumstances gives the applicant the unenviable choice of invasion of his privacy or loss of possible job opportunities. Under this subsection routine certifications of no record would no longer be permitted. In extraordinary circumstances, however, an individual could obtain a court order permitting such a certification.

§20.21(c)(3). The language of this subsection leaves to the States the question of who among the agencies and individuals listed in §20.21(b) shall actually receive criminal records. Under these regulations a State could place a total ban on dissemination if it so wished. The State could, on the other hand, enact laws authorizing any member of the private sector to have access to non-conviction data.

§20.21(d). Non-criminal justice agencies will not be able to receive records of juveniles unless the language of a statute or court order, rule, or court decision specifies that juvenile records shall be available for dissemination. Perhaps the most controversial part of this subsection is that it denies access to records of juveniles by Federal agencies conducting background investigations for eligibility to classified information under existing legal authority.

§20.21(e) Since it would be too costly to audit each criminal justice agency in most

States (Wisconsin, for example, has 1075 criminal justice agencies) random audits of a “representative sample” of agencies are the next best alternative. The term “representative sample” is used to insure that audits do not simply focus on certain types of agencies. Although this subsection requires that there be records kept with the names of all persons or agencies to whom information is disseminated, criminal justice agencies are not required to maintain dissemination logs for “no record” responses.

§20.21(f). Requirements are set forth which the States must meet in order to assure that criminal history record information is adequately protected. Automated systems may operate in shared environments and the regulations require certain minimum assurances.

§20.21(g)(1). A “challenge” under this section is an oral or written contention by an individual that his record is inaccurate or incomplete; it would require him to give a correct version of his record and explain why he believes his version to be correct. While an individual should have access to his record for review, a copy of the record should ordinarily only be given when it is clearly established that it is necessary for the purpose of challenge.

The drafters of the subsection expressly rejected a suggestion that would have called for a satisfactory verification of identity by fingerprint comparison. It was felt that States ought to be free to determine other means of identity verification.

§20.21(g)(5). Not every agency will have done this in the past, but henceforth adequate records including those required under 20.21(e) must be kept so that notification can be made.

§20.21(g)(6). This section emphasizes that the right to access and review extends only to criminal history record information and does not include other information such as intelligence or treatment data.

§20.22(a). The purpose for the certification requirement is to indicate the extent of compliance with these regulations. The term “maximum extent feasible” acknowledges that there are some areas such as the completeness requirement which create complex legislative and financial problems.

NOTE: In preparing the plans required by these regulations, States should look for guidance to the following documents: National Advisory Commission on Criminal Justice Standards and Goals, Report on the Criminal Justice System; Project SEARCH: Security and Privacy Considerations in Criminal History Information Systems, Technical Reports No. 2 and No. 13; Project SEARCH: A Model State Act for Criminal Offender Record Information, Technical Memorandum No. 3; and Project SEARCH: Model Administrative Regulations for Criminal Of-

fender Record Information, Technical Memorandum No. 4.

Subpart C-§20.31. This section defines the criminal history record information system managed by the Federal Bureau of Investigation. Each state having a record in the III System must have fingerprints on file in the FBI CJIS Division to support the III System record concerning the individual.

Paragraph (b) is not intended to limit the identification services presently performed by the FBI for local, state, tribal, and federal agencies.

§20.32. The grandfather clause contained in paragraph (c) of this section is designed, from a practical standpoint, to eliminate the necessity of deleting from the FBI’s massive files the non-includable offenses that were stored prior to February, 1973. In the event a person is charged in court with a serious or significant offense arising out of an arrest involving a non-includable offense, the non-includable offense will also appear in the arrest segment of the III System record.

§20.33(a)(3). This paragraph incorporates provisions cited in 28 CFR 50.12 regarding dissemination of identification records outside the federal government for noncriminal justice purposes.

§20.33(a)(6). Noncriminal justice governmental agencies are sometimes tasked to perform criminal justice dispatching functions or data processing/information services for criminal justice agencies as part, albeit not a principal part, of their responsibilities. Although such inter-governmental delegated tasks involve the administration of criminal justice, performance of those tasks does not convert an otherwise non-criminal justice agency to a criminal justice agency. This regulation authorizes this type of delegation if it is effected pursuant to executive order, statute, regulation, or interagency agreement. In this context, the noncriminal justice agency is servicing the criminal justice agency by performing an administration of criminal justice function and is permitted access to criminal history record information to accomplish that limited function. An example of such delegation would be the Pennsylvania Department of Administration’s Bureau of Consolidated Computer Services, which performs data processing for several state agencies, including the Pennsylvania State Police. Privatization of the data processing/information services or dispatching function by the noncriminal justice governmental agency can be accomplished pursuant to §20.33(a)(7) of this part.

§20.34. The procedures by which an individual may obtain a copy of his manual identification record are set forth in 28 CFR 16.30-16.34.

The procedures by which an individual may obtain a copy of his III System record are as follows: If an individual has a criminal record supported by fingerprints and that

Department of Justice

§21.1

record has been entered in the III System, it is available to that individual for review, upon presentation of appropriate identification, and in accordance with applicable state and federal administrative and statutory regulations. Appropriate identification includes being fingerprinted for the purpose of insuring that he is the individual that he purports to be. The record on file will then be verified as his through comparison of fingerprints.

Procedure. 1. All requests for review must be made by the subject of the record through a law enforcement agency which has access to the III System. That agency within statutory or regulatory limits can require additional identification to assist in securing a positive identification.

2. If the cooperating law enforcement agency can make an identification with fingerprints previously taken which are on file locally and if the FBI identification number of the individual's record is available to that agency, it can make an on-line inquiry through NCIC to obtain his III System record or, if it does not have suitable equipment to obtain an on-line response, obtain the record from Clarksburg, West Virginia, by mail. The individual will then be afforded the opportunity to see that record.

3. Should the cooperating law enforcement agency not have the individual's fingerprints on file locally, it is necessary for that agency to relate his prints to an existing record by having his identification prints compared with those already on file in the FBI, or, possibly, in the state's central identification agency.

4. The subject of the requested record shall request the appropriate arresting agency, court, or correctional agency to initiate action necessary to correct any stated inaccuracy in his record or provide the information needed to make the record complete.

§20.36. This section refers to the requirements for obtaining direct access to the III System.

§20.37. The 120-day requirement in this section allows 30 days more than the similar provision in subpart B in order to allow for processing time that may be needed by the states before forwarding the disposition to the FBI.

[Order No. 662-76, 41 FR 34949, Aug. 18, 1976, as amended by Order No. 1438-90, 55 FR 32075, Aug. 7, 1990; Order No. 2258-99, 64 FR 52229, Sept. 28, 1999]

PART 21—WITNESS FEES

Sec.

21.1 Definitions.

21.2 Employees of the United States serving as witnesses.

21.3 Aliens.

21.4 Fees and allowances of fact witnesses.

21.5 Use of table of distances.

21.6 Proceedings *in forma pauperis*.

21.7 Certification of witness attendance.

AUTHORITY: 28 U.S.C. 509, 510, 1821-1825, 5 U.S.C. 301.

SOURCE: 51 FR 16171, May 1, 1986, unless otherwise noted.

§21.1 Definitions.

(a) *Agency proceeding.* An agency process as defined by 5 U.S.C. 551 (5), (7) and (9).

(b) *Alien.* Any person who is not a citizen or national of the United States.

(c) *Judicial proceeding.* Any action or suit, including any condemnation, preliminary, informational or other proceeding of a judicial nature. Examples of the latter include, but are not limited to, hearings and conferences before a committing court, magistrate, or commission, grand jury proceedings, pre-trial conferences, depositions, and coroners' inquests. It does not include information or investigative proceedings conducted by a prosecuting attorney for the purpose of determining whether an information or charge should be made in a particular case. The judicial proceeding may be in the District of Columbia, a State, or a territory or possession of the United States including the Commonwealth of Puerto Rico or the Trust Territory of the Pacific Islands.

(d) *Pre-trial conference.* A conference between the Government Attorney and a witness to discuss the witness' testimony. The conference must take place after a trial, hearing or grand jury proceeding has been scheduled but prior to the witness' actual appearance at the proceeding.

(e) *Residence.* The term *residence* is not limited to the legal residence, but includes any place at which the witness is actually residing and at which the subpoena or summons is served. If the residence of the witness at the time of appearance is different from the place of subpoena or summons, the new place of residence shall be considered the witness' residence for computation of the transportation allowance; but, if the witness is on a business or vacation trip at the time of appearance, the witness shall be paid for travel from the place of service if this does not result



2016
RSJI COMMUNITY SURVEY



SEATTLE OFFICE FOR CIVIL RIGHTS

APRIL 2017

Acknowledgements

The RSJI Community Survey is the result of collaboration among researchers, community leaders and the City of Seattle who worked together as part of a Race and Social Justice Community Survey Steering Committee. We thank the Steering Committee for guiding the development of the survey questions and outreach.

Thank you to Gabriela Quintana for overall project coordination, including managing outreach. Outreach also was made possible through the support of our Community Survey Partners, City employees, and students from the University of Washington. Special thanks to Sarah Leyrer, Margaret Weihs, Brian Ceden, Kelsey McGuire, Hillary Jaregui, Cornetta Mosley, Tucker Richards, Kathryn Peebles, Junyi Zhang, Violet Lavatai, Darcy White and Fadumo Nurdin.

Thank you to Pacific Market Research for fielding the phone survey.

Special thanks to Chris Hess at the University of Washington Sociology Department for providing data analysis and an early draft that laid the foundation for the final report.

2016 Race and Social Justice Initiative Community Survey Steering Committee Members

Derrick Belgarde, Chief Seattle Club

Kyle Crowder, University of Washington

Ben Danielson, Odessa Brown Medical Center

Patricia Hayden, Seattle Human Services Coalition

Marcos Martinez, Entre Hermanos

Xochitl Maykovich, Washington Community Action Network

India Ornelas, University of Washington

Rebecca Saldaña, Puget Sound Sage

Michael Ramos, Church Council of Greater Seattle

Jenny Romich, University of Washington

Rich Stolz, OneAmerica

Executive Summary

The Seattle Race and Social Justice Initiative (RSJI) is the City of Seattle's commitment to ending racial disparities and achieving racial equity in Seattle. In 2014, the City affirmed and expanded RSJI via an Executive Order requiring City staff to assess progress made on racial equity. It also called on the Race and Social Justice Initiative to deepen the City's support for community-led racial justice work through projects and programs that increase the City's accountability to the community. The RSJI Community Survey is a key part of assessing the impact of our collective efforts for racial equity.

The RSJI Community Survey, first fielded in 2013, measures the perspectives of those who live, work, and go to school in Seattle, including satisfaction with City services, neighborhood quality, housing affordability, feelings about the state of racial equity in the city, and the role of government in addressing racial inequities. The 2016 survey provides updated information on the state of racial equity in Seattle.

Key Findings

1

Ending racial inequity is a responsibility of government.

Seattle respondents feel strongly that government should prioritize ending the racial equity gaps that impact our communities. Nearly all respondents (96%) said government should prioritize addressing racial inequities.

2

To achieve equity, resources must be allocated based on need.

Eighty-seven percent of all respondents agreed when asked whether a greater portion of resources should go to those most in need.

3

Economic prosperity is not felt by all -- Seattle's Black community experiences a disproportionate lack of opportunity.

More than half (53%) of all Black/African American survey respondents said they are *not* experiencing economic opportunities; Black/African American women cite the highest rates of economic exclusion.

4

Environmental inequities persist by race and gender.

People of color and transgender respondents were more likely to say their neighborhoods are unhealthy places to live; close to half of all American Indian/Alaska Native respondents do not feel they have benefited from Seattle's environmental progress.

5

Communities of color do not feel they experience equal treatment by the City's criminal justice system.

The number of people across the board reporting greater confidence in the police has increased since the last survey, but communities of color continue to have less confidence in the police than White

respondents do. More than half of all African American/Black respondents (56.1%), and nearly half of all Multiracial respondents (47.3%) and American Indian/Alaska Native (47%) respondents have little to no confidence in the police to do a good job enforcing the law.

There is a strong lack of confidence in the courts to treat people of color and Whites equally, with nearly 70% of people of color reporting a lack of confidence.

6

Communities of color and other vulnerable groups struggle to remain in our high-cost city.

Thirty-four percent (34.4%) of those surveyed responded that they or someone in their family have moved out of Seattle in the past two years due to the rising cost of housing. American Indian/Alaska Native, Black/African American, Multiracial, and Latino respondents were most likely to say so than other groups.

Every racial group rated the number one reason they personally had moved out of Seattle to be the need to find lower rent or a less expensive house to maintain. At the same time, people of color cited other economic reasons (such as foreclosure or eviction) more often than White respondents.

7

Seattle Public Schools struggle to make the grade with communities of color.

Despite some mixed opinions regarding performance and preparation of students for the future, Seattle respondents were united in support of ending punitive discipline measures and improving schools and after-school programs to promote racial equity. Differences in perceptions of Seattle Public Schools (SPS) emerged along racial lines. The web survey showed that while 44.5% of young people ages 15-25 rated SPS favorably, youth of color were less likely to rate Seattle Public Schools favorably compared to their White counterparts.

8

City efforts to be inclusive are making some inroads, but more work needs to be done.

In both phone and web surveys, we saw a decline in the number of people who felt their participation in City processes was valued. Despite this overall decline, the web survey found communities of color and lesbian, gay and bisexual respondents felt their participation was valued at a greater rate than reported in 2013. This did not hold for transgender respondents who were less likely to say their participation was valued compared to 2013.

9

Progress towards racial equity is not being felt by all. Urgency and action is necessary to make a difference in people's lives.

Both phone and web surveys revealed a decline in the percentage of people agreeing that Seattle is making progress at eliminating racial inequity. Seventy-two percent of phone and 43% of web respondents agree that Seattle is making progress. This is a decline by a margin of 7% points in the web survey and a margin of 14% in the phone survey. When disaggregated by race, the percent stayed consistent for communities of color compared to 2013, while an increasing number of White respondents do not believe the City is making progress.

Conclusion

Seattle remains a City with much work to do to achieve racial equity. The Race and Social Justice Initiative is tasked with leading municipal government's efforts to put our value of racial equity into action. The 2013 survey provided us with baseline data on the experiences of people who live, work, and go to school in Seattle. The 2016 survey reveals sobering information that the City cannot afford to ignore: despite our efforts to address inequities, **we continue to see disparate outcomes** for our communities by race and other factors. If we are going to truly see a difference in people's lives, we must invest in community-driven strategies that hold us accountable to those most impacted by structural racism and other biases. We can and we must do better.

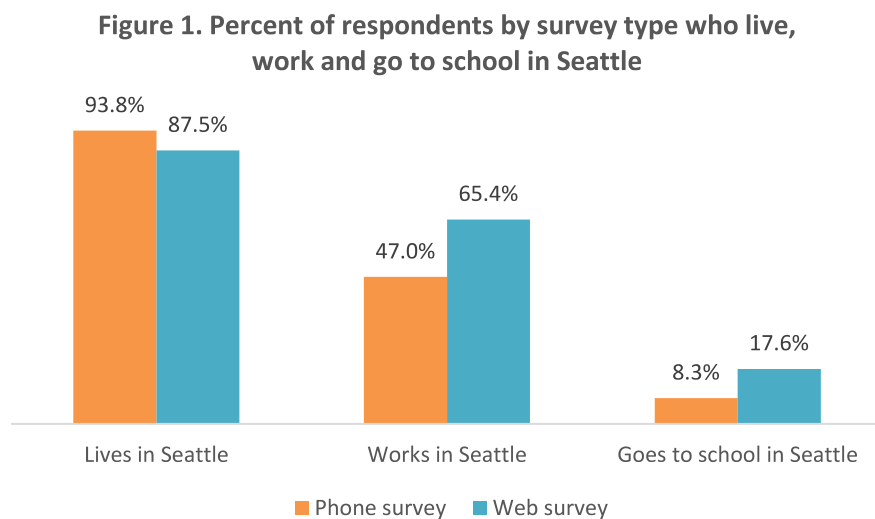
Methodology

The Race and Social Justice Community Survey was developed in partnership with a steering committee comprised of researchers from the University of Washington, community based organizations and local government. Steering Committee members guided question development and outreach.

Survey data was collected via phone and internet. The phone survey included 400 respondents and the web survey included 1,295 for a total of 1,695 respondents. Phone and web surveys differed in a few key ways: the phone survey was fielded using random digit dialing (with a 60/40 split between landline and wireless phones), while the web survey was composed of self-selected respondents. Outreach efforts for the web survey were conducted by City staff and a team of student volunteers from the University of Washington who asked community partners to send the survey link to their clients and members, visited homeless shelters and community centers and posted the survey link at libraries.

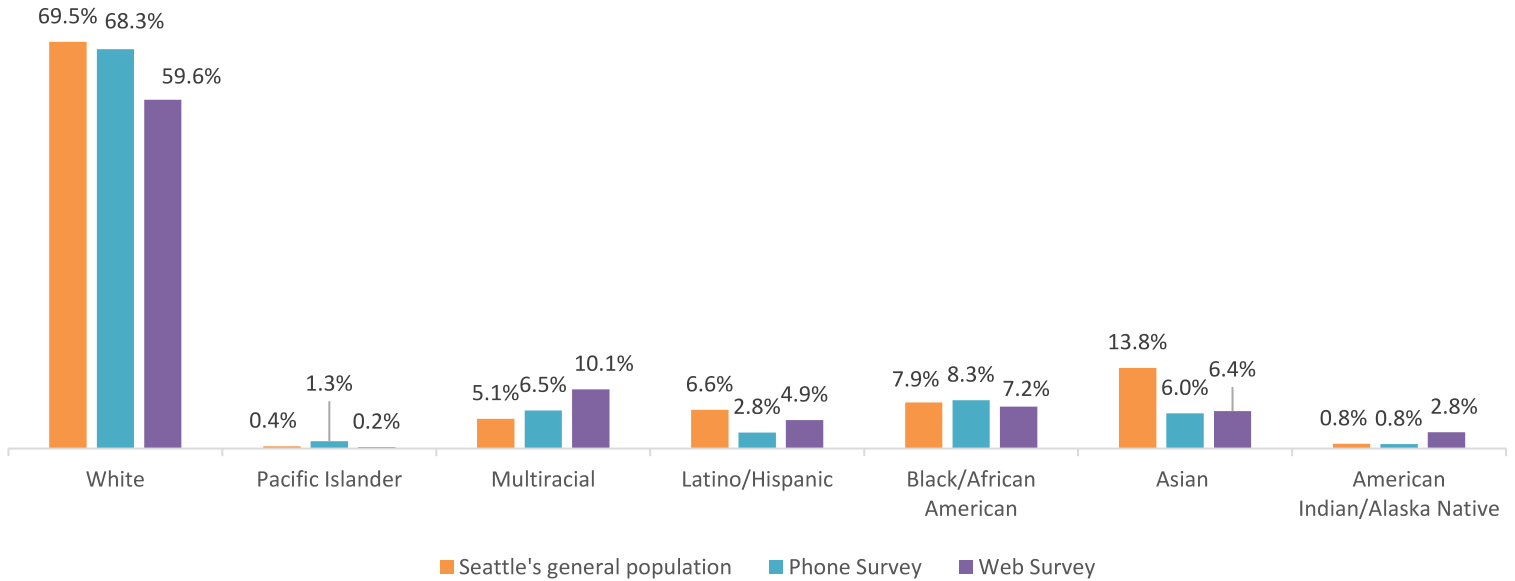
Who we heard from

The survey was open to anyone who lives, works, or goes to school in Seattle. Nearly all respondents live in Seattle and nearly half of all phone respondents and more than half of all web respondents work in Seattle. Eighteen percent of those surveyed by web go to school in Seattle, slightly more than twice the rate of those surveyed by phone [Figure 1].



In terms of race, the phone survey most closely matched the demographics of Seattle for White respondents, Black/African American respondents, Multiracial respondents, and American Indian/Alaska Native respondents. Both surveys received an under representation of Latino and Asian/Pacific Islander respondents compared to their percent of the overall population [Figure 2].

Figure 2. Comparison of survey respondents to overall Seattle population by race



*Note: Survey only fielded to those over the age of 15. Seattle general population data above includes those under 15.

In terms of age, the phone survey respondents skewed older. For reference, the Census Bureau’s most recent American Community Survey (ACS) found that about 10% of the Seattle population is 65 years of age or older. Of those surveyed by phone, 35% of the phone survey respondents was 65 or older. In terms of gender, the ACS only records male and female genders and estimates a 50/50 split in the Seattle population. This suggests that the web data over-surveyed females, with 65% identifying as female.

The report uses a combination of individual and pooled in lieu of weighting tabulations to account for variations in sample sizes. Web surveying had an explicit goal of reaching subpopulations across many dimensions, including those experiencing homelessness. Researchers providing guidance on this survey, were concerned that weighting might undermine that study design goal. Without the certainty that weighting would improve the substantive conclusions, researchers opted to analyze the data as observed/collected, and use pooled estimates as an alternative way to show overall distributions, with the non-response bias of each dataset to some extent cancelling the other's out. Pooling the data potentially averages out some of the differences in demographic composition relative to the overall Seattle population.

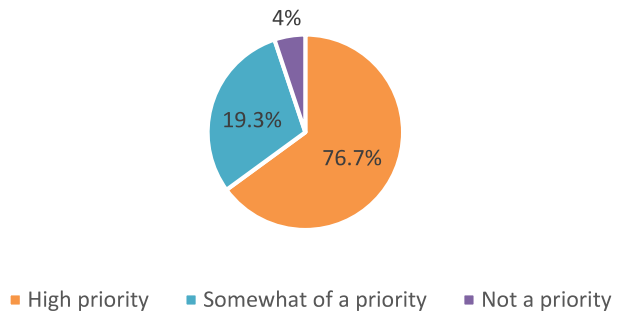
1

Ending racial inequity is a responsibility of government.

Survey respondents feel strongly that government should prioritize the racial equity gaps impacting our communities. More people see this is a high priority than two years ago.

- Nearly all respondents (96%) said government should prioritize addressing racial inequities, with **nearly 8 in 10 people saying racial equity should be a “high priority” of government** [Figure 3].
- The number respondents stating that racial equity work should be a “high priority” for government has increased over time. In our 2013 phone survey, 51% rated it as such. In the 2016 phone survey, it increased by 13 percentage points to 64%. The web responses increased only slightly from 74% in 2013 to 77% in 2016.
- The urgency and responsibility for government to act was clearly reflected in responses of Black/African American and Latino respondents, 95% and 80% of whom said addressing these gaps should be a high priority** (pooled data).

Figure 3. How high a priority should it be for government to address racial equity gaps in education, criminal justice, jobs, health, housing and other areas?
(Pooled data, N=1621)

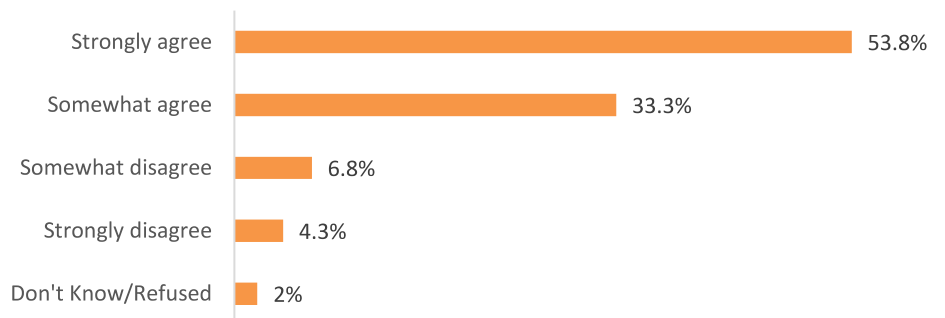


2

To get to equity, resources must be allocated based on need.

- When asked if a greater portion of resources should go to those most in need to create equity for all, **87% agreed** [pooled data].
- Over half (53.8%) of all phone respondents strongly agreed [Figure 4].

Figure 4. Responses to statement, "To create equity and opportunity for all, I believe a greater portion of resources should go to those who are most in need."
(Phone survey, N=400)



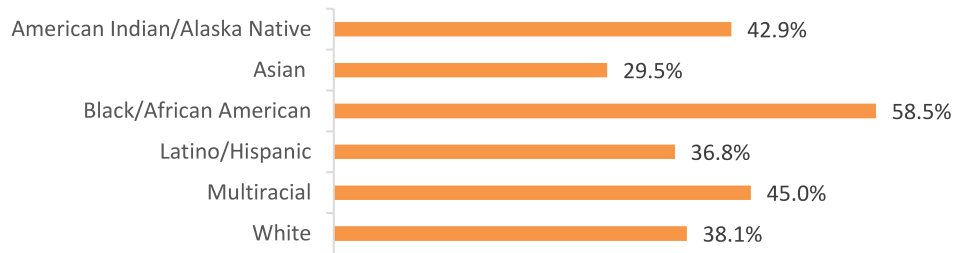
3

Economic prosperity is not felt by all -- Seattle's Black community experiences a disproportionate lack of opportunity.

Overall, the percentage of people experiencing opportunities to get ahead economically in Seattle has decreased over time. While over half of survey respondents (62% phone and 52% web) agreed that Seattle offers good economic opportunities, these figures are a significant decrease from prior phone surveys where in 2013, 80% and in 2001, 86% of respondents reported favorable opportunities.

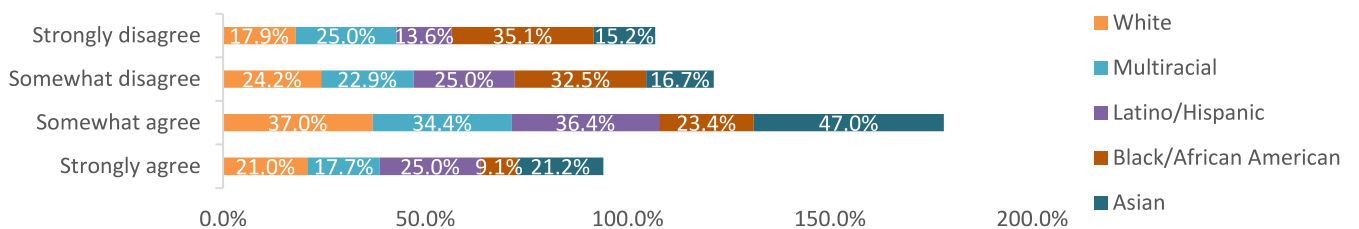
- The impact of a lack of economic opportunities felt by the Black community cannot be understated. **More than half (58.5%) of all Black/African American surveyed said they are not experiencing economic opportunities.** No other racial group reported this high a lack of opportunity [Figure 5].

Figure 5. Percent of individuals by race who disagree that Seattle has offered good opportunities for them to get ahead economically
(Pooled data, N=1448)



- An analysis of responses across race among female respondents found that **a strong majority (67%) of Black/African American women were dissatisfied with the opportunities Seattle affords them to get ahead economically** [Figure 6]. Considering the 2013 survey observed a similar differential for women of color, the surveys together suggest differences in economic opportunity for Black/African American women have remained prominent post-recession.

Figure 6. Female respondents by race who responded to the question, "To what extent do you agree that Seattle has offered you good opportunities to get ahead economically?"
(Pooled data, N=916)



4

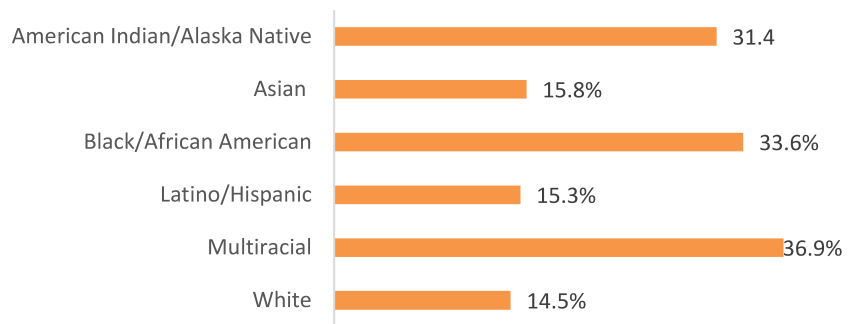
Environmental inequities persist by race and gender.

Seattle is noted nationally for its strong environmental efforts and as a healthy place to live. Strong majorities of phone and web survey respondents agree (88.5% phone/76.7% web). Yet when disaggregated by race and by gender, inequities emerge. People of color and transgender respondents were more likely not to find their neighborhood a healthy place to live.

- Multiracial, Black/African American and American Indian/Alaska Native respondents were less likely to report than other groups that their neighborhood is a healthy place to live [Figure 7].

Figure 7. Percent of respondents by race who disagree with the statement, "My neighborhood is a healthy place to live."

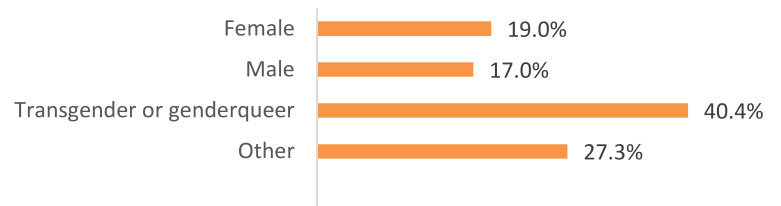
(Pooled data, N=1480)



- In the web survey, transgender and genderqueer respondents were significantly less likely to report that their neighborhood is a healthy place to live [Figure 8].

Figure 8. Percent of respondents by gender who disagree with the statement, "My neighborhood is a healthy place to live."

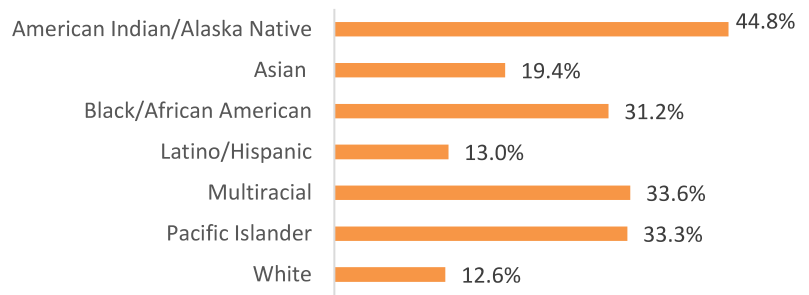
(Web survey, N=1195)



Similarly, while most respondents felt they benefited from the city’s environmental progress (71% phone/ 67% web), the feeling was not shared across race.

- White survey respondents were more than twice as likely to *strongly agree* that they have benefited compared to American Indian/Alaska Native, Black/African American, and Multiracial respondents.
- Close to half (44.8%) of all American Indian/Alaska Native people who completed the web survey felt they did not benefit [Figure 9].

Figure 9. Percent of web respondents by race who disagree with the statement, "I have benefited from Seattle's environmental progress."
(Web survey, N=1033)

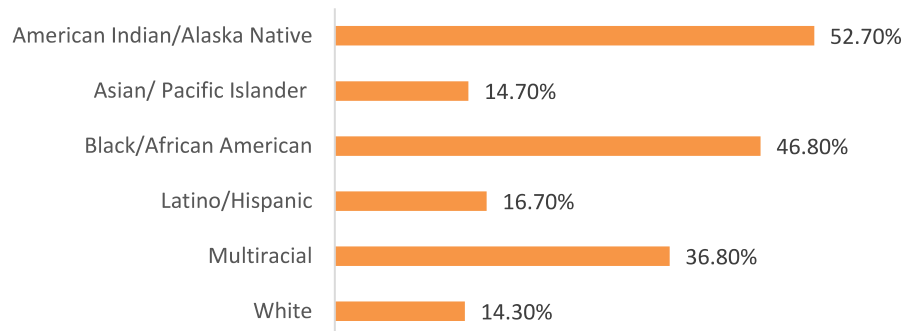


5 Criminal justice -- equal treatment not felt by communities of color.

The survey reflected strong difference in how people of color and White respondents are experiencing the criminal justice system. Confidence in the police to do a good job enforcing the law and in the police and courts to treat people of color and Whites equally found mixed evaluations—particularly when analyzed across race.

- **More than half of American Indian/Alaska Native (52.7%) and nearly half of all Black/African American (46.8%)** respondents surveyed reported being questioned by the police, charged or arrested when they had not committed a crime [Figure 10].

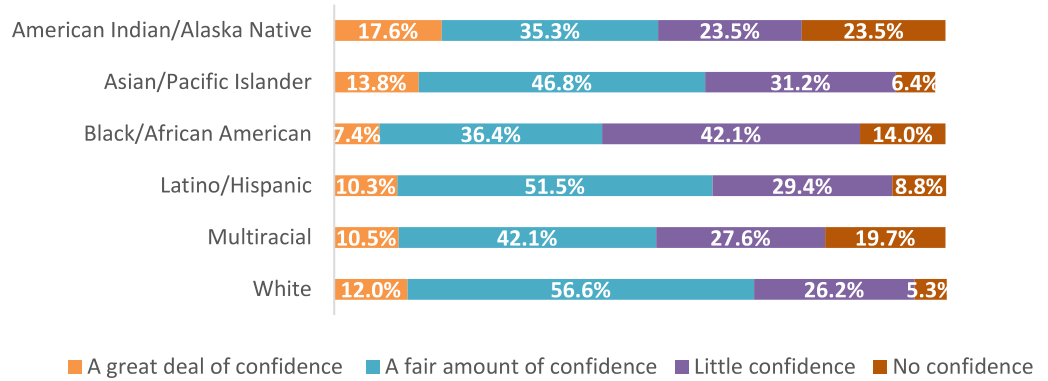
Figure 10. Responded "Yes" to the question, "Have you ever been questioned by the police, charged, or arrested when you had not committed a crime?"
(Pooled data, N = 1602)



- More people reported confidence in the police to do a good job enforcing the law.** Seventy-eight percent of phone respondents had at least fair confidence in the police to enforce the law, an increase in the phone survey responses from 2013, when only 66% of phone respondents reported at least fair confidence. The web responses over time have not shifted in the same way. The percentage of web respondents reporting a fair amount of confidence in the police increased only 1% in the last two years, from 53% in 2013 to 54% in 2015.

Figure 11. Confidence in police to do a good job enforcing the law?

(Pooled data, N=1,986)



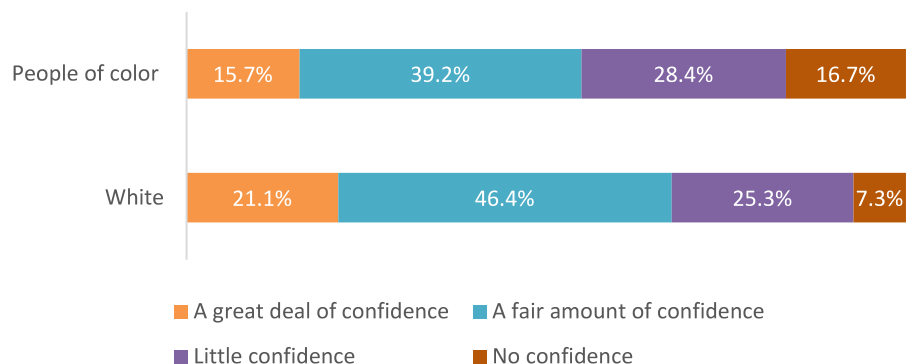
- Despite the increase, communities of color continue to have less confidence in the police than**

White respondents. More than half of all African American/Black respondents (56.1%), nearly half of all Multiracial respondents (47.3%), and American Indian/Alaska Native (47%) respondents had little to no confidence in the police to do a good job enforcing the law [Figure 11].

- People of color are more likely than White respondents to report a lack of confidence in equal treatment by the police.** Close to half (45.1%) of people of color surveyed by phone had little to no confidence in police officers treating people of color and Whites equally, compared to 32.6% of White respondents [Figure 12].

Figure 12. Confidence in police officers to treat people of color and White people equally?

(Phone data, N = 372)



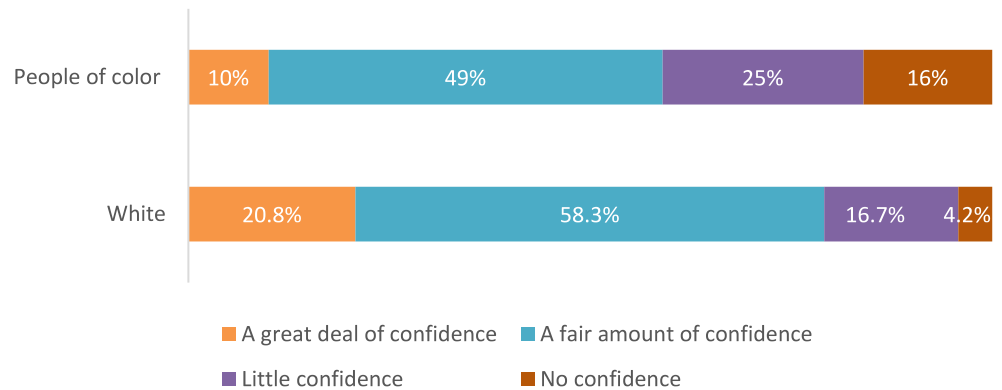
The pooled data showed an even higher lack of confidence (68.8% for people of color and 61.4% for White respondents) but a smaller disparity between the two groups.

- When it came to the court system, the differences in perceptions were starker between people of color and White respondents who were surveyed by phone.

People of color were twice as likely as White respondents to lack confidence in the courts to treat people

equally across race. Forty-one percent of people of color had little to no confidence in equal treatment, compared to 20.9% of White respondents [Figure 13]. Like the data regarding confidence in police, the pooled data showed across race, a greater rate of lack of confidence in equal treatment with 70% of people of color and 63% of White respondents reporting little to no confidence.

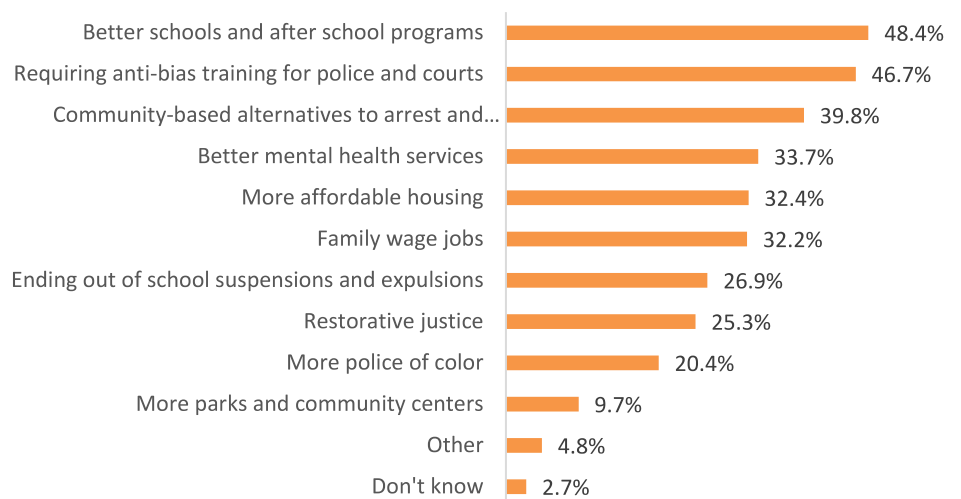
Figure 13. Confidence in courts to treat people of color and White people equally?
(Phone data, N=370)



- When asked what top three things the City should prioritize to reduce racial disproportionately in the criminal justice system, respondents were most likely to name better schools and after school programs, requiring anti-bias training for police and courts and community-based alternatives to arrest and detention

[Figure 14]. This held for youth ages 15-25, and generally across race.

Figure 14. Top three actions City government should prioritize to reduce racial disproportionality in the criminal justice system
(Pooled data, N=1674)



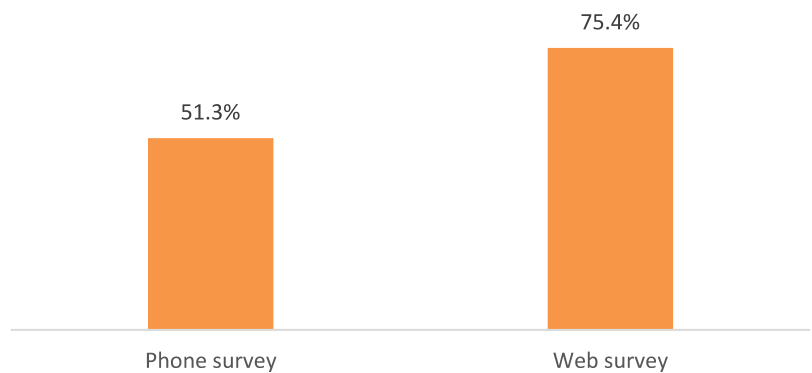
6

Housing: Communities struggle to remain in the city.

Housing Affordability: – While across race people regard Seattle’s housing affordability as poor, people of color and lesbian, gay, bisexual, and transgender respondents are disproportionately feeling pushed out.

- **Since the 2013 survey, more people regard Seattle’s housing as unaffordable.** In the two years between phone surveys, those reporting affordability as “only fair” or “poor” grew by 4% from 78% in 2013 to 82% in 2016.
- The majority surveyed by phone and web rated Seattle’s housing affordability as “poor” [Figure 15].

Figure 15. Percent rating Seattle's housing affordability as "poor"

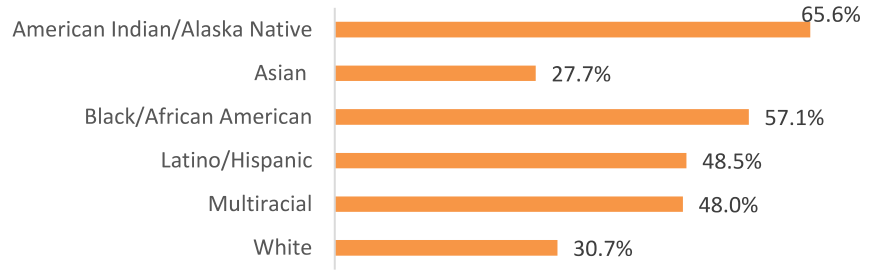


- **Both surveys found people of color more likely than White respondents to say that it was “not very likely” or “unlikely” that they would be able to afford to live in Seattle in 5 years.** The web survey found a greater percentage of respondents across the board stating that they would likely not be able to afford living in Seattle in five years. Both surveys showed a difference of 11% between people of color and White respondents, with people of color more likely to report not being able to afford living in Seattle in five years.
- **Nearly 70% of renters in the web survey said it was “very unlikely” to “unlikely” that they would be able to afford to live in Seattle in the next 5 years, compared to 28% of home owners.** While being a renter in Seattle clearly signals a sense of uncertainty in the ability to live in our high-cost city, **race continues to be a factor** in determining people’s beliefs that they will be displaced. **African American and Black renters were disproportionately more likely than White renters to feel they will not be able to remain in Seattle in the next 5 years.** (In the web survey, 78.6% of African American/Black renters said they are not very likely or unlikely to remain in Seattle, compared to 65.4% of White renters).
- **In the web survey, transgender people of color were most likely to say they would be unable to afford living in Seattle in the next 5 years.** In the web survey, 80% of transgender/genderqueer people of color stating that it was unlikely they would be able to remain in Seattle in the next five years. Sixty-two percent (63%) of white

transgender/genderqueer respondents and 58% of lesbian, gay and bisexual respondents across race agreed.

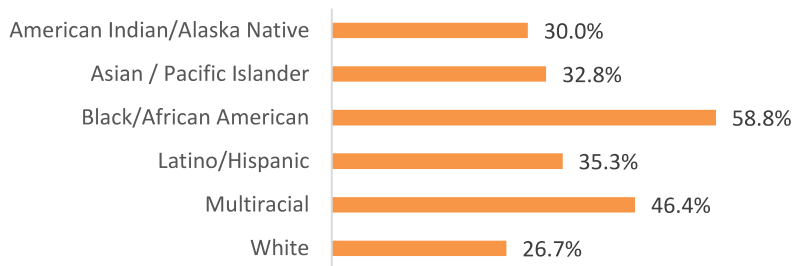
- Thirty-four percent (34.4%) surveyed responded that they or someone in their family had moved out of Seattle in the past two years due to the rising cost of housing.** American Indian/Alaska Native, Black/African American, Multiracial, and Latino respondents were most likely to say so [Figure 16].

Figure 16. Percent by race responding "yes" to the question, "Have you or someone in your family moved out of Seattle in the past two years due to the rising cost of housing?"
(Pooled data, N=1,526)



- Places of worship, gathering places and cultural centers are often community anchors, grounding a community and providing a strong network of support. **More than half of African Americans/Black respondents (58.8%) to the web survey said it was "not very likely" or "unlikely" for their cultural center, place of worship or gathering place to remain located in Seattle in 5 years** [Figure 17].

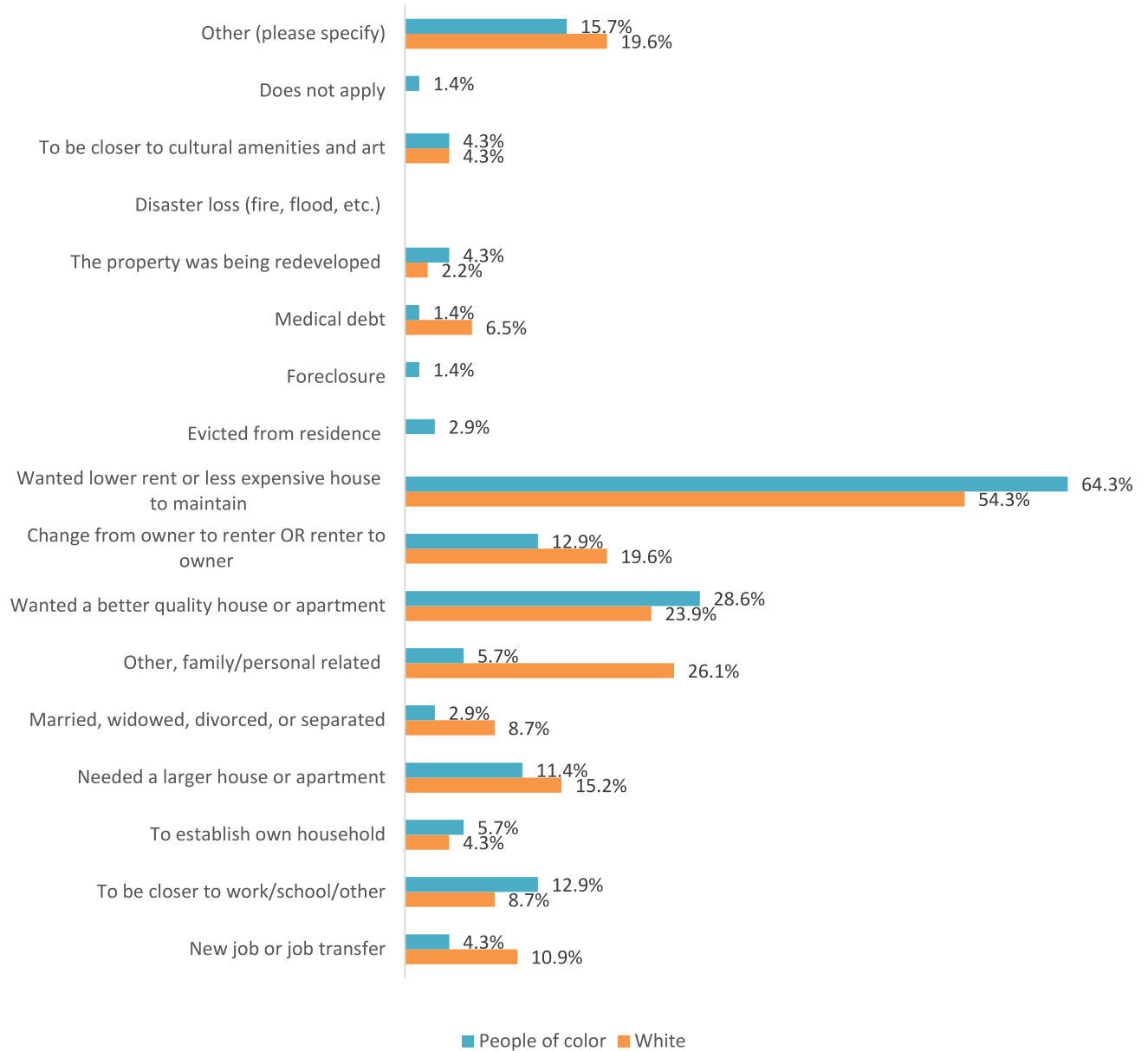
Figure 17. "Not very" or "unlikely" for your cultural center, place of worship or gathering place will be located in Seattle in 5 years
(web survey, N=342)



The web survey showed that across race, the number one reason people moved out of Seattle was for less expensive housing. People of color were more likely to cite, property redevelopment, foreclosure or eviction for having to move than White residents [Figure 18].

Figure 18. Main reasons people moved out of Seattle in last two years

(Web survey, N = 498)



Is the City doing enough to ensure people can afford to stay in Seattle?

- When asked whether the City was doing enough to ensure people can afford to stay living in Seattle, strong majorities in both the phone and web surveys (71% and 82.8% respectively) disagreed.

The role of City investments.

- The survey asked respondents if they felt City of Seattle public investments (such as transportation and utilities) have created housing affordability problems in certain neighborhoods. While 60.2% of web respondents agreed that they had, the distribution by race of those agreeing was for the most part similar, except for Asian/Pacific Islanders, who were most likely to agree by at least 7% points higher than other groups.

Quality of life is not always high for people of color, renters and people with disabilities.

- People with disabilities were nearly twice as likely to be dissatisfied with Seattle's quality of life compared to those without disabilities, 22.6% compared to 11% (pooled data).
- While all groups had a strong proportion reporting satisfaction, African Americans and American Indian/Alaska Natives who completed the web survey were nearly three times as likely as White respondents to say they were dissatisfied or very dissatisfied with the quality of life in their neighborhoods (23% and 24% compared to 8% respectively).
- Renters (29.7%) were more likely than home owners (17.6%) to be dissatisfied with Seattle as a place to raise children (web survey).



Education – Seattle Public Schools struggles to make the grade with communities of color.

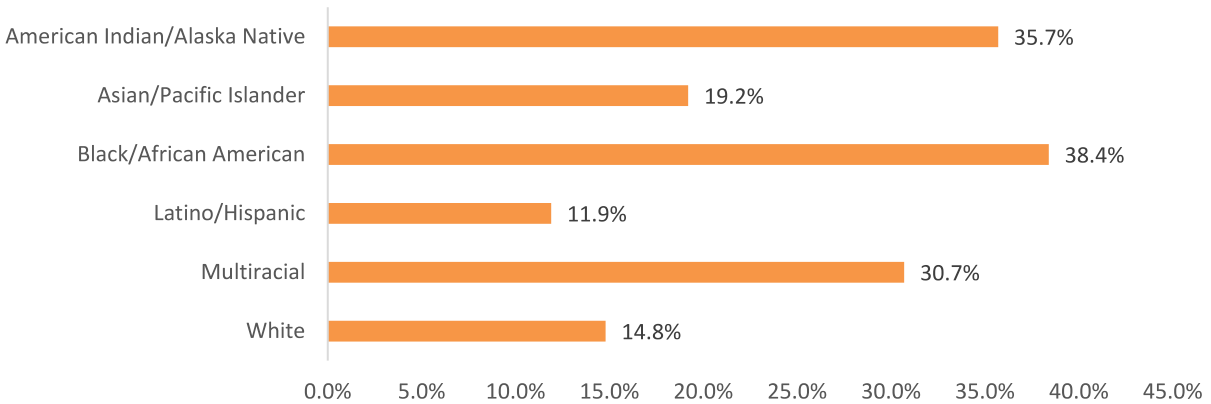
Ratings of Seattle Public Schools (SPS) were mixed across both the phone and web surveys, particularly among people of color. Despite some mixed opinions regarding SPS's performance and preparation of students for the future, responses were united in support of ending punitive discipline measures and improving schools and after-school programs to promote racial equity.

- When asked, "How do you rate Seattle Public Schools?", responses from the phone survey were nearly split in terms of favorable and unfavorable ratings (40% very good/good to 39%

fair/poor). Responses from the web data tended towards less favorable evaluations with 38.6% rating SPS as fair/poor and only 23.4% rating as good to very good [see attachment, Q 23, p11].

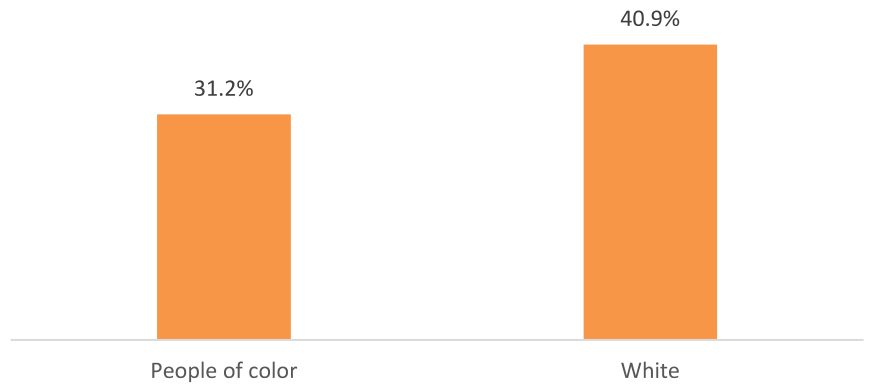
- In terms of race, Black, Native American, and Multiracial respondents gave SPS a “poor” rating more than other groups” [Figure 19].

Figure 19. Percent by race who rated Seattle Public Schools as "Poor"
(Pooled data, N=1071)



- The web survey showed that while 44.5% of young people ages 15-25 rated SPS favorably, when disaggregated by race, differences emerge. Youth of color were less likely to rate Seattle Public Schools favorably compared to their White counterparts [Figure 20].

Figure 20. Percent of young people ages 15 to 25 rating SPS favorably (good/very good)
(Web survey, N=753)

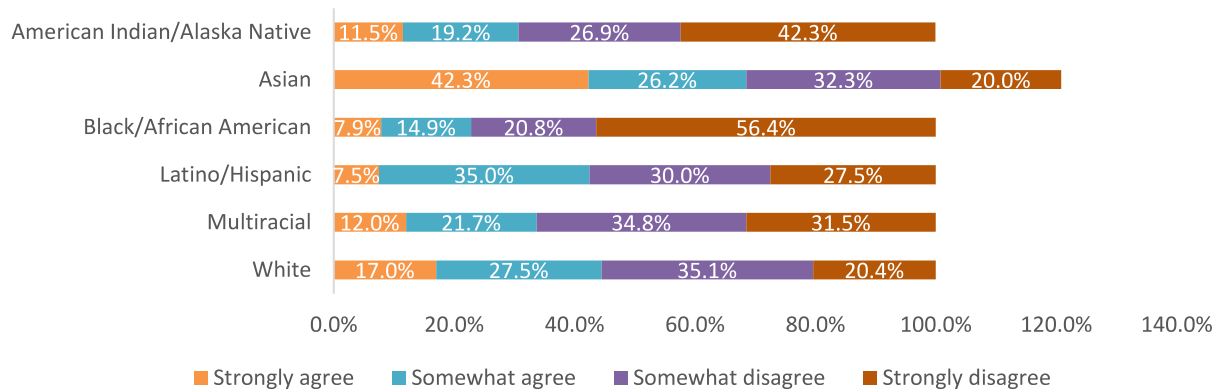


- About 75% of each sample reported agreement with the statement, “Shifting from punitive discipline measures in Seattle Public Schools to measures that address harm and repair relationships is important to making sure all students, regardless of their race, receive fair and just treatment.” [see Attachment, Q25] When analyzed by race, gender and sexual orientation, there was strong consensus across groups.

- Over half (56.4%) of all Black/African Americans surveyed and 42.3% of Native Americans surveyed strongly disagreed that staff and teachers at Seattle Public Schools treat students of color the same as white students [Figure 21].

Figure 21. Response by race to the statement, "Staff and teachers at Seattle Public Schools treat students of color with as much respect as white students"

(Pooled data, N=945)

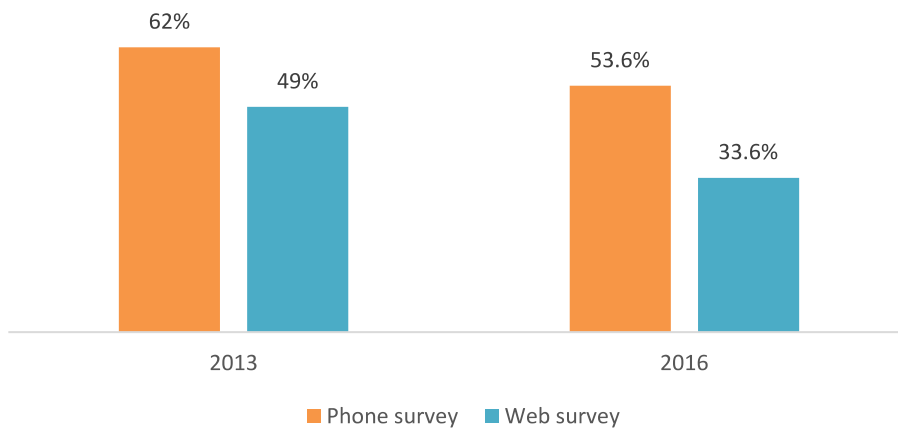


8 City efforts to be inclusive in outreach is having an impact on some groups, with more work to be done.

About half of those surveyed by phone and web (48.8% phone/51.5% web) were aware of the City of Seattle’s outreach to the community on policies or projects, yet only 35.4% of those surveyed by phone and just about a quarter of those surveyed by web (26.4%) had participated.

- Fewer people felt the City valued their participation.** Of those who had participated, over half of phone respondents (53.6%) said they felt their participation was valued a fair amount to a great deal while only 33.6% said the same in the web survey. This is a significant drop in the web responses since 2013, when 49% said they felt their participation was valued a fair amount to a great deal [Figure 22].

Figure 22. Felt participation in outreach engagement efforts was valued by the City of Seattle



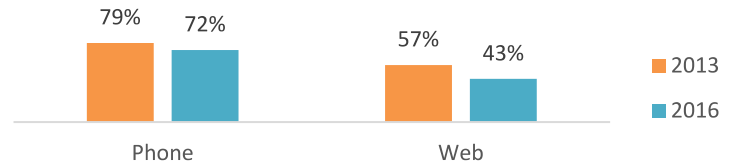
- While overall, fewer people felt the City valued their participation, the racial disparity that existed in the 2013 web survey did not appear in 2016. In the 2016 web survey, **people of color were slightly more likely to say their participation was valued** a fair amount to a great deal compared to white respondents (35.1% to 32.8% respectively). This held true across race/ethnicities except for Asian Pacific Islander respondents who were approximately as likely as white respondents to say their participation was valued (32.2%).
- Similarly, the disparities that existed in the 2013 web survey for lesbian, gay and bisexual respondents compared to straight respondents in terms of their participation feeling valued was not reported in the 2016 survey. Rather, **lesbian, gay, and bisexual respondents were more likely to feel their participation was valued** compared to their straight counterparts (37.3% to 32.6% respectively). This held for LGB people of color as well, of whom 39.1% said they felt their participation was valued, compared to 36% of LGB White respondents. **This did not hold for transgender respondents who were less likely to say their participation was valued** compared to 2013 (44.5% of transgender respondents said their participation was valued in 2013 which dropped to 27.3% in 2016).
- **Immigrants and refugees were slightly less likely to be aware of the City’s outreach efforts than two years ago.** In 2013, 51% of web survey respondents born outside the U.S. were aware of the City’s outreach efforts but fell to 46.5% in 2016.

9

Progress towards racial equity is not felt by all. Urgency and action is necessary to make a difference in people’s lives.

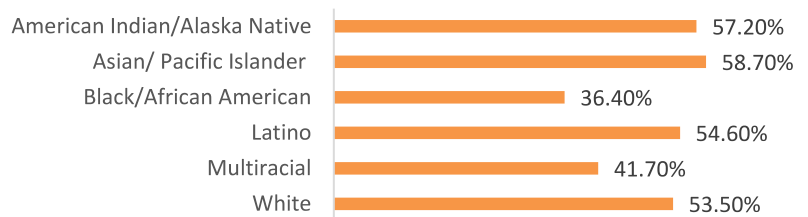
In 2016, fewer people said they believe Seattle is making progress eliminating racial inequities and creating a city where social, economic, and political opportunities and outcomes are not predicted upon a person’s race than reported so in 2013 [Figure 23 and Figure 24].

Figure 23. Percent agreeing that Seattle is making progress eliminating racial inequities 2013 to 2016



Web survey data overtime shows that across race, the same or more people respond less favorably than they had in the previous survey. For example, while the percent of Black/African Americans who strongly disagreed that we are making progress held the same since the last survey (around 32%), White people were also more likely than they had been in 2013 to strongly disagree, moving from 11% in 2013 to 15% in 2016.

Figure 24. Percent agreeing that Seattle is making progress eliminating racial inequities (web survey, N=1074)



Conclusion

For more than a decade the Race and Social Justice Initiative (RSJI) has been working to achieving racial equity within government. The 2013 Community Survey provided baseline data about who lives, works and goes to school in Seattle. The 2016 Community Survey reveals sobering facts that we cannot ignore. Despite our efforts to address the manifestations of institutional and structural racism, our communities of color continue to experience disparate outcomes in every quality of life indicator. If we are going to truly change the lives of the most impacted community members, **we must center community leadership, we must resource community-owned strategies and we must be accountable to our communities.**

We can and we must do better.

Appendix - 2016 Community Survey Frequency Tables

Question 1 — Which of the following applies to you? (Select all that apply):

Table 1: Respondent lives in Seattle

	Phone Survey	WebSurvey
Live in Seattle	375 (93.75%)	1133 (87.49%)
Does not live in Seattle	25 (6.25%)	162 (12.51%)

Table 2: Respondent works in Seattle

	Phone Survey	WebSurvey
Work in Seattle	188 (47%)	847 (65.41%)
Does not work in Seattle	212 (53%)	448 (34.59%)

Table 3: Respondent goes to school in Seattle

	Phone Survey	WebSurvey
Go to school in Seattle	33 (8.25%)	228 (17.61%)
Does not go to school in Seattle	367 (91.75%)	1067 (82.39%)

Question 2 — Please select which most closely matches your satisfaction with the quality of life in Seattle:

Table 4: Seattle as a place to live

	Phone Survey	Web Survey
Very satisfied	178 (44.5%)	434 (33.51%)
Somewhat satisfied	164 (41%)	645 (49.81%)
Dissatisfied	41 (10.25%)	115 (8.88%)
Very dissatisfied	13 (3.25%)	37 (2.86%)

Does not apply	1 (0.25%)	46 (3.55%)
Don't know / Refused	3 (0.75%)	18 (1.39%)

Table 5: Your neighborhood as a place to live

	Phone Survey	Web Survey
Very satisfied	221 (55.25%)	506 (39.07%)
Somewhat satisfied	150 (37.5%)	552 (42.63%)
Dissatisfied	21 (5.25%)	107 (8.26%)
Very dissatisfied	6 (1.5%)	30 (2.32%)
Does not apply	2 (0.5%)	66 (5.1%)
Don't know / Refused	0 (0%)	34 (2.63%)

Table 6: Seattle as a place to raise children

	Phone Survey	Web Survey
Very satisfied	134 (33.5%)	244 (18.84%)
Somewhat satisfied	139 (34.75%)	430 (33.2%)
Dissatisfied	34 (8.5%)	148 (11.43%)
Very dissatisfied	6 (1.5%)	47 (3.63%)
Does not apply	71 (17.75%)	380 (29.34%)
Don't know / Refused	16 (4%)	46 (3.55%)

Table 7: Seattle as a place to work

	Phone Survey	Web Survey
Very satisfied	186 (46.5%)	429 (33.13%)
Somewhat satisfied	131 (32.75%)	611 (47.18%)
Dissatisfied	36 (9%)	107 (8.26%)
Very dissatisfied	9 (2.25%)	31 (2.39%)
Does not apply	32 (8%)	90 (6.95%)
Don't know / Refused	6 (1.5%)	27 (2.08%)

Table 8: Seattle as a place to retire

	Phone Survey	Web Survey
Very satisfied	122 (30.5%)	179 (13.82%)
Somewhat satisfied	132 (33%)	317 (24.48%)
Dissatisfied	73 (18.25%)	243 (18.76%)
Very dissatisfied	43 (10.75%)	185 (14.29%)
Does not apply	16 (4%)	333 (25.71%)
Don't know / Refused	14 (3.5%)	38 (2.93%)

Question 3 — In comparison to other neighborhoods in the city, how do you rate your neighborhood’s availability of City services, such as libraries, parks and recreation facilities?

	Phone Survey	Web Survey
Very good	235 (58.75%)	511 (39.46%)
Good	105 (26.25%)	456 (35.21%)
Fair	43 (10.75%)	217 (16.76%)
Poor	14 (3.5%)	69 (5.33%)
Don’t know / Refused	3 (0.75%)	42 (3.24%)

Question 4 — Please state whether you strongly agree, somewhat agree, somewhat disagree or strongly disagree with the following statements: My neighborhood is a healthy place to live.

	Phone Survey	Web Survey
Strongly agree	207 (51.75%)	405 (31.27%)
Somewhat agree	147 (36.75%)	588 (45.41%)
Somewhat disagree	33 (8.25%)	188 (14.52%)
Strongly disagree	9 (2.25%)	56 (4.32%)
Don’t know / Refused	4 (1%)	58 (4.48%)

Question 5 — Please state whether... : I have benefited from Seattle’s environmental progress.

	Phone Survey	Web Survey
Strongly agree	108 (27%)	312 (24.09%)
Somewhat agree	174 (43.5%)	560 (43.24%)
Somewhat disagree	56 (14%)	146 (11.27%)
Strongly disagree	35 (8.75%)	55 (4.25%)
Don’t know / Refused	27 (6.75%)	222 (17.14%)

Question 6 — Please state whether... : To what extent do you agree that Seattle has offered good opportunities for you to get ahead economically?

	Phone Survey	Web Survey
Strongly agree	120 (30%)	238 (18.38%)
Somewhat agree	128 (32%)	451 (34.83%)
Somewhat disagree	69 (17.25%)	278 (21.47%)
Strongly disagree	56 (14%)	229 (17.68%)
Don't know / Refused	27 (6.75%)	99 (7.64%)

Question 7 — Please state whether... : And over the last two years do you think Seattle has gotten better, stayed the same, or gotten worse in terms of providing you with opportunities to get ahead economically?

	Phone Survey	Web Survey
Gotten better	171 (42.75%)	191 (14.75%)
Stayed the same	91 (22.75%)	429 (33.13%)
Gotten worse	108 (27%)	517 (39.92%)
Refused	3 (0.75%)	18 (1.39%)
Don't know	27 (6.75%)	140 (10.81%)

Question 8 — How often does your family have money left after paying your monthly bills?

	Phone Survey	Web Survey
Often	199 (49.75%)	503 (39.39%)
Sometimes	84 (21%)	245 (19.19%)
Occasionally	53 (13.25%)	297 (23.26%)
Never	56 (14%)	216 (16.91%)
Refused	8 (2%)	16 (1.25%)

Question 9 — How do you rate Seattle’s housing affordability?

	Phone Survey	Web Survey
Very good	18 (4.5%)	8 (0.63%)
Good	46 (11.5%)	39 (3.06%)
Only fair	125 (31.25%)	246 (19.28%)
Poor	205 (51.25%)	962 (75.39%)
Refused	6 (1.5%)	21 (1.65%)

Question 10 — How likely is it that you will be able to afford to live in Seattle in five years?

	Phone Survey	Web Survey
Highly likely	164 (41%)	221 (17.29%)
Likely	101 (25.25%)	365 (28.56%)
Not very likely	71 (17.75%)	325 (25.43%)
Unlikely	55 (13.75%)	283 (22.14%)
Don’t know / Refused	9 (2.25%)	84 (6.57%)

Question 11 — Have you or someone in your family moved out of Seattle in the past two years due to the rising cost of housing?

	Phone Survey	Web Survey
Yes	76 (19%)	498 (39.21%)
No	324 (81%)	680 (53.54%)
Refused	0 (0%)	92 (7.24%)

Question 12 — If you have moved in that last two years, which of the following describes your move? (Select all that apply)

	Phone Survey	WebSurvey
Stayed in the same zip code	43 (10.75%)	148 (11.43%)
Moved out of Seattle	35 (8.75%)	113 (8.73%)
Moved into Seattle	18 (4.5%)	149 (11.51%)
Does not apply	304 (76%)	885 (68.34%)

Question 13 — And what were the main reasons you moved? (Select top two reasons)

	Phone Survey	Web Survey
New job or job transfer	12 (10.53%)	71
To be closer to work/school/other	5 (4.39%)	104
To establish own household	6 (5.26%)	53
Needed a larger house or apartment	4 (3.51%)	65
Married, widowed, divorced, or separated	5 (4.39%)	30
Other, family/personal related	4 (3.51%)	73
Wanted a better quality house or apartment	8 (7.02%)	94
Change from owner to renter OR renter to owner	1 (0.88%)	65
Wanted lower rent or less expensive house to maintain	21 (18.42%)	11
Evicted from residence	1 (0.88%)	11
Foreclosure	0 (0%)	2
Medical debt	1 (0.88%)	7
The property was being redeveloped	0 (0%)	28
Disaster loss (fire, flood, etc.)	0 (0%)	1
To be closer to cultural amenities and art	0 (0%)	40
Other	41 (35.96%)	91
Refused	5 (4.39%)	644
	N	114
	Total Respondents	96
		1541
		1130

Question 14 — What do you like most about where you live? (Please select your top two from the list)

	Phone Survey	Web Survey
Access to public transit	118 (19.44%)	581
Affordable rent/mortgage	22 (3.62%)	289
Near people who share my culture	71 (11.7%)	220
Easy to get to my job	58 (9.56%)	422
Quality of schools	32 (5.27%)	123
Safety	43 (7.08%)	231
Quality of apartment or house	51 (8.4%)	351
Access to art and culture	91 (14.99%)	301
Other	106 (17.46%)	278
None	15 (2.47%)	43
<i>N</i>	607	2779
Total Respondents	400	1276

Question 15 — How likely do you think it is that your cultural center, place of worship, or gathering place will be located in Seattle in five years?

	Phone Survey	Web Survey
Highly likely	193 (48.25%)	320 (24.71%)
Somewhat Likely	92 (23%)	313 (24.17%)
Not very likely	32 (8%)	187 (14.44%)
Unlikely	37 (9.25%)	141 (10.89%)
Don't know / Refused	46 (11.5%)	334 (25.79%)

Question 16 — Please state whether you strongly agree, somewhat agree, somewhat disagree, or strongly disagree with the following statements. The City of Seattle’s public investments (transportation, utilities, etc) have created housing affordability problems in certain neighborhoods.

	Phone Survey	Web Survey
Strongly agree	153 (38.25%)	458 (35.37%)
Somewhat agree	118 (29.5%)	322 (24.86%)
Somewhat disagree	46 (11.5%)	144 (11.12%)
Strongly disagree	40 (10%)	105 (8.11%)
Don’t know / Refused	43 (10.75%)	266 (20.54%)

Question 17 — Please state whether... : The City of Seattle is doing enough to ensure people can afford to stay living in Seattle.

	Phone Survey	Web Survey
Strongly agree	21 (5.25%)	38 (2.93%)
Somewhat agree	74 (18.5%)	90 (6.95%)
Somewhat disagree	104 (26%)	326 (25.17%)
Strongly disagree	180 (45%)	747 (57.68%)
Don’t know / Refused	21 (5.25%)	94 (7.26%)

Question 18 — Please state whether... : I feel like I can rely on public transportation to get where I need to go in a reasonable amount of time.

	Phone Survey	Web Survey
Strongly agree	97 (24.25%)	142 (10.97%)
Somewhat agree	121 (30.25%)	508 (39.23%)
Somewhat disagree	63 (15.75%)	313 (24.17%)
Strongly disagree	96 (24%)	283 (21.85%)
Don’t know / Refused	23 (5.75%)	49 (3.78%)

Question 19 — Please state whether... : How do you rate Seattle in terms of ability to get around by public transportation?

	Phone Survey	Web Survey
Very good	84 (21%)	113 (8.73%)
Good	116 (29%)	348 (26.87%)
Only fair	130 (32.5%)	517 (39.92%)
Poor	58 (14.5%)	275 (21.24%)
Refused	12 (3%)	42 (3.24%)

Question 20 — Please state whether... : And over the last two years, do you think Seattle has gotten better, stayed the same, or gotten worse in terms of access to public transportation?

	Phone Survey	Web Survey
Gotten better	137 (34.25%)	336 (25.95%)
Stayed the same	130 (32.5%)	444 (34.29%)
Gotten worse	121 (30.25%)	369 (28.49%)
Refused	12 (3%)	146 (11.27%)

Question 21 — Please state whether... : How do you rate Seattle in terms of your ability to access affordable health care?

	Phone Survey	Web Survey
Very good	111 (27.75%)	184 (14.21%)
Good	144 (36%)	462 (35.68%)
Fair	88 (22%)	328 (25.33%)
Poor	28 (7%)	129 (9.96%)
Don't know / Refused	29 (7.25%)	192 (14.83%)

Question 22 — And over the last two years, do you think Seattle has gotten better, stayed the same, or gotten worse in terms of access to affordable healthcare?

	Phone Survey	Web Survey
Gotten better	114 (28.5%)	191 (14.75%)
Stayed the same	172 (43%)	480 (37.07%)
Gotten worse	71 (17.75%)	175 (13.51%)
Refused	43 (10.75%)	449 (34.67%)

Question 23 — How do you rate Seattle’s public schools?

	Phone Survey	Web Survey
Very good	33 (8.25%)	38 (2.93%)
Good	127 (31.75%)	265 (20.46%)
Fair	116 (29%)	316 (24.4%)
Poor	41 (10.25%)	184 (14.21%)
Don’t know / Refused	83 (20.75%)	492 (37.99%)

Question 24 — And over the last two years, do you think Seattle has gotten better, stayed the same, or gotten worse in terms of public schools?

	Phone Survey	Web Survey
Gotten better	63 (15.75%)	72 (5.56%)
Stayed the same	178 (44.5%)	345 (26.64%)
Gotten worse	81 (20.25%)	247 (19.07%)
Refused	78 (19.5%)	631 (48.73%)

Question 25. Please state whether...: Shifting from punitive discipline measures in Seattle Public Schools to measures that address harm and repair relationships is important to making sure all students, regardless of their race, receive fair and just treatment.

	Phone Survey	WebSurvey
Strongly agree	183 (45.75%)	802 (61.93%)
Somewhat agree	127 (31.75%)	191 (14.75%)
Somewhat disagree	20 (5%)	47 (3.63%)
Strongly disagree	26 (6.5%)	33 (2.55%)
Don't know / Refused	44 (11%)	222 (17.14%)

Question 26 — Please state whether... : Staff and teachers at Seattle Public Schools treat students of color with as much respect as white students.

	Phone Survey	WebSurvey
Strongly agree	73 (18.25%)	83 (6.41%)
Somewhat agree	116 (29%)	133 (10.27%)
Somewhat disagree	58 (14.5%)	263 (20.31%)
Strongly disagree	30 (7.5%)	228 (17.61%)
Don't know / Refused	123 (30.75%)	588 (45.41%)

Question 27 — Please state whether... : Seattle Public Schools are preparing students well for the future.

	Phone Survey	WebSurvey
Strongly agree	38 (9.5%)	36 (2.78%)
Somewhat agree	169 (42.25%)	287 (22.16%)
Somewhat disagree	68 (17%)	274 (21.16%)
Strongly disagree	48 (12%)	154 (11.89%)
Don't know / Refused	77 (19.25%)	544 (42.01%)

Question 28 — How much confidence do you have in police officers in your community to do a good job of enforcing the law?

	Phone Survey	Web Survey
A great deal of confidence	99 (24.75%)	94 (7.26%)
A fair amount of confidence	213 (53.25%)	605 (46.72%)
No confidence	20 (5%)	116 (8.96%)
Refused	2 (0.5%)	89 (6.87%)

Question 29 — How much confidence do you have in police officers in your community to treat Black people and white people equally?

	Phone Survey	Web Survey
A great deal of confidence	55 (13.75%)	54 (4.17%)
A fair amount of confidence	177 (44.25%)	249 (19.23%)
Little confidence	110 (27.5%)	531 (41%)
No confidence	46 (11.5%)	324 (25.02%)
Refused	12 (3%)	137 (10.58%)

Question 30 — And what about people of color in general, how much confidence do you have in police officers in your community to treat people of color and white people equally?

	Phone Survey	Web Survey
A great deal of confidence	77 (19.25%)	50 (3.86%)
A fair amount of confidence	171 (42.75%)	267 (20.62%)
Little confidence	99 (24.75%)	543 (41.93%)
No confidence	37 (9.25%)	295 (22.78%)
Refused	16 (4%)	140 (10.81%)

Question 31 — How much confidence do you have in the courts treating people of color and white people equally?

	Phone Survey	Web Survey
A great deal of confidence	66 (16.5%)	59 (4.56%)
A fair amount of confidence	171 (42.75%)	239 (18.46%)
No confidence	39 (9.75%)	328 (25.33%)
Refused	18 (4.5%)	146 (11.27%)

Question 32 — Have you ever been questioned by the police, charged, or arrested when you had not committed a crime?

	Phone Survey	Web Survey
Yes	74 (18.5%)	270 (20.85%)
No	326 (81.5%)	993 (76.68%)
Refused	0 (0%)	32 (2.47%)

Question 33 — Have you or a family member ever experienced incarceration (jail, prison, juvenile detention)?

	Phone Survey	Web Survey
Myself	33 (8.25%)	69 (5.33%)
Family member	53 (13.25%)	327 (25.25%)
Both	—	46 (3.55%)
Neither	313 (78.25%)	821 (63.4%)
Refused	1 (0.25%)	32 (2.47%)

Question 34 — Which of the following should the City prioritize to reduce racial disproportionality in the criminal justice system? [Select top three]

	Phone Survey	Web Survey
Better schools and after school programs	233 (22.47%)	577
Ending out of school suspensions and expulsions	94 (9.06%)	356
Requiring anti-bias training for police and courts	171 (16.49%)	610
Family wage jobs	110 (10.61%)	429
Better mental health services	114 (10.99%)	450
More affordable housing	71 (6.85%)	472
More parks and community centers	36 (3.47%)	127
Community-based alternatives to arrest and detention	70 (6.75%)	597
Restorative justice	30 (2.89%)	394
More police of color	72 (6.94%)	270
Other	13 (1.25%)	67
Don't know	23 (2.22%)	45
<i>N</i>	1037	4411
Total Respondents	400	1274

Question 35 — In the last 12 months, did you or a member of your immediate household experience discrimination, were refused services or treated unfairly because of: [Select all that apply]

	Phone Survey	Web Survey
Race or Color	32 (13.39%)	236 (19.81%)
Disability	21 (8.79%)	86 (7.22%)
Sexual orientation	10 (4.18%)	70 (5.88%)
National origin	10 (4.18%)	40 (3.36%)
Religion	15 (6.28%)	35 (2.94%)
Gender	19 (7.95%)	192 (16.12%)
Gender Identity	6 (2.51%)	64 (5.37%)
Marital status	12 (5.02%)	35 (2.94%)
Because children live in your household	11 (4.6%)	34 (0.03%)
Age	52 (21.76%)	145 (12.17%)
Veteran or military status	5 (2.09%)	11 (.01%)
A prior juvenile or criminal record	8 (3.35%)	32 (2.85%)
Credit history	20 (8.37%)	110 (9.2%)
Use of a Section 8 Housing Voucher	4 (1.67%)	11 (0.92%)
Breastfeeding in a public place	6 (2.51%)	14 (1.18%)
Other reason	8 (3.35%)	73 (6.13%)
<i>N</i>	239	1191
Total Respondents	113	528

Question 36 — If you said “Yes” to at least one item in the previous question, please check the box for each area that you or a member of your immediate household experienced discrimination or unfair treatment with: [Select all that apply]

	Phone Survey	Web Survey
Employment	36 (18%)	192 (18.32%)
Rental housing	18 (9%)	105 (10.02%)
Home ownership	3 (1.5%)	41 (3.91%)
Utility services	9 (4.5%)	25 (2.39%)
Law enforcement and policing	24 (12%)	110 (10.50%)
Consumer, financial services and credit	23 (11.5%)	106 (10.11%)
Health care	14 (7%)	108 (10.31%)
Access to governmental assistance, programs or services	10 (5%)	83 (7.92%)
Education	17 (8.5%)	86 (8.21%)
Private business	22 (11%)	147 (14.03%)
None	24 (12%)	46 (4.39%)
<i>N</i>	200	1048
Total Respondents	113	527

Question 37 — The City of Seattle conducts outreach and engagement on many projects and policies. Are you aware of such outreach, or is this your first time hearing about it?

	Phone Survey	Web Survey
Aware	195 (48.75%)	667 (51.51%)
First time hearing about it	202 (50.5%)	595 (45.95%)
Refused	3 (0.75%)	33 (2.55%)

Question 38 — Have you participated?

	Phone Survey	Web Survey
Yes	69 (35.38%)	342 (26.41%)
No	126 (64.62%)	907 (70.04%)
<i>N</i>	195	1249

Question 39 — If you participated, did you feel your participation was valued?

	Phone Survey	Web Survey
A great deal	13 (18.84%)	38 (2.93%)
A fair amount	24 (34.78%)	85 (6.56%)
Just some	17 (24.64%)	137 (10.58%)
Very little	5 (7.25%)	80 (6.18%)
None	7 (10.14%)	26 (2.01%)
Refused	3 (4.35%)	929 (71.74%)
<i>N</i>	69	1295

Question 40 — How would you rate race relations in Seattle?

	Phone Survey	Web Survey
Very good	42 (10.5%)	28 (2.16%)
Good	143 (35.75%)	234 (18.07%)
Only fair	175 (43.75%)	665 (51.35%)
Poor	31 (7.75%)	290 (22.39%)
Refused	9 (2.25%)	78 (6.02%)

Question 41 — And over the last two years, do you think Seattle has gotten better, stayed the same, or gotten worse in terms of race relations?

	Phone Survey	WebSurvey
Gotten better	101 (25.25%)	161 (12.43%)
Stayed the same	212 (53%)	714 (55.14%)
Gotten worse	70 (17.5%)	360 (27.8%)
Refused	17 (4.25%)	60 (4.63%)

Question 42 — How high of a priority should it be for government to address the racial equity gaps in education, criminal justice, jobs, health, housing and other areas?

	Phone Survey	Web Survey
High priority	254 (63.5%)	989 (76.37%)
Somewhat of a priority	117 (29.25%)	196 (15.14%)
Not a priority	20 (5%)	45 (3.47%)
Refused	9 (2.25%)	65 (5.02%)

Question 43 — Please state whether... : To create equity and opportunity for all, I believe a greater portion of resources should go to those who are most in need.

	Phone Survey	Web Survey
Strongly agree	215 (53.75%)	813 (62.78%)
Somewhat agree	133 (33.25%)	329 (25.41%)
Somewhat disagree	27 (6.75%)	51 (3.94%)
Strongly disagree	17 (4.25%)	32 (2.47%)
Don't know / Refused	8 (2%)	70 (5.41%)

Question 44 — Please state whether... : In Seattle we are making progress in eliminating racial inequities and creating a city where social, economic and political opportunities and outcomes are not predicted based upon a person's race.

	Phone Survey	Web Survey
Strongly agree	78 (19.5%)	83 (6.41%)
Somewhat agree	211 (52.75%)	470 (36.29%)
Somewhat disagree	62 (15.5%)	353 (27.26%)
Strongly disagree	32 (8%)	200 (15.44%)
Don't know / Refused	17 (4.25%)	189 (14.59%)

Question 45 — Please state whether... : Compared with five years ago, do you think there is a wider gap or a narrower gap between African American residents and White residents in terms of average incomes?

	Phone Survey	Web Survey
Wider gap	180 (45%)	693 (53.51%)
Narrower gap	71 (17.75%)	87 (6.72%)
About the same	67 (16.75%)	169 (13.05%)
Don't know / Refused	82 (20.5%)	346 (26.72%)

Question 46 — Which of the following have you done over the last year? (select all that apply)

	Phone Survey	Web Survey
Voted in an election	348 (25.4%)	1113
Signed a petition	252 (18.39%)	949
Organized neighbors or community members on an issue	83 (6.06%)	353
Joined a community organization or faith-based group to g...	137 (10%)	506
Written or spoken to a local elected official	179 (13.07%)	621
Attended a protest, march or demonstration	85 (6.2%)	502
Given money or volunteered time to support a community or...	266 (19.42%)	978
None of the above	20 (1.46%)	49
	<i>N</i>	
	1370	5071
Total Respondents	400	1260

Question 47 — What do you think is the most important problem facing your community today?

	Phone Survey
Crime	32 (8%)
Development Impacts	19 (4.75%)
Education	23 (5.75%)
Employment	1 (0.25%)
Environment	8 (2%)
Healthcare	3 (0.75%)
Homelessness	30 (7.5%)
Housing	72 (18%)
Inequality	66 (16.5%)
Neighborhood Quality	2 (0.5%)
None	15 (3.75%)
Other	81 (20.25%)
Police brutality	1 (0.25%)
Traffic / Infrastructure	47 (11.75%)

Question 48 — What is your gender?

	Phone Survey	Web Survey
Female	223 (55.75%)	854 (65.95%)
Male	174 (43.5%)	330 (25.48%)
Transgender	0 (0%)	5 (0.39%)
Genderqueer/Gender non-conforming	0 (0%)	29 (2.24%)
Other (SPECIFY)	1 (0.25%)	26 (2.01%)
Refused	2 (0.5%)	51 (3.94%)

Question 49 — How do you identify yourself by race or ethnicity?

	Phone Survey	Web Survey
American Indian / Alaska Native	3 (0.75%)	36 (2.78%)
Asian American	24 (6%)	83 (6.41%)
Pacific Islander	5 (1.25%)	3 (0.23%)
Black / African American	33 (8.25%)	93 (7.18%)
Hispanic / Latino	11 (2.75%)	63 (4.86%)
Middle Eastern	2 (0.5%)	1 (0.08%)
White, non-Hispanic	273 (68.25%)	772 (59.61%)
Multiracial	26 (6.5%)	131 (10.12%)
Other (SPECIFY)	10 (2.5%)	55 (4.25%)
Refused	13 (3.25%)	58 (4.48%)

Question 50 — Were you born in the United States or another country?

	Phone Survey	Web Survey
United States	351 (87.75%)	1121 (86.56%)
Another country	43 (10.75%)	119 (9.19%)
Refused	6 (1.5%)	55 (4.25%)

If responding another country:

	Phone Survey
Africa	1 (2.22%)
Argentina	1 (2.22%)
Australia	1 (2.22%)
Austria	1 (2.22%)
Barbados	1 (2.22%)
Canada	6 (13.33%)
China	1 (2.22%)
Cuba	1 (2.22%)
England	2 (4.44%)
Germany	6 (13.33%)
Great Britain	1 (2.22%)
Hong Kong	1 (2.22%)
Indonesia	1 (2.22%)
Japan	3 (6.67%)
Limerick, Ireland	1 (2.22%)
Mexico	1 (2.22%)
Netherlands	1 (2.22%)
Nigeria	1 (2.22%)
None of my business.	1 (2.22%)
Norway	1 (2.22%)
Panama	2 (4.44%)
Philippines	1 (2.22%)
Refused	1 (2.22%)
Scandinavian	1 (2.22%)
Seoul, South Korea	1 (2.22%)
Sweden	1 (2.22%)
Swiss	1 (2.22%)
The Netherlands	1 (2.22%)
UK	1 (2.22%)
United Kingdom	2 (4.44%)
<i>N</i>	45

Question 51 — Were your parents born in the United States or in another country?

	Phone Survey	Web Survey
Both parents born in the United States	281 (70.25%)	924 (71.35%)
Both parents born in another country	73 (18.25%)	190 (14.67%)
1 parent born in the US, 1 born in another country	39 (9.75%)	124 (9.58%)
Refused	7 (1.75%)	57 (4.4%)

Question 52 — What is your sexual orientation?

	Phone Survey	Web Survey
Straight	327 (81.75%)	926 (71.51%)
Lesbian	10 (2.5%)	33 (2.55%)
Gay	11 (2.75%)	36 (2.78%)
Bisexual	7 (1.75%)	87 (6.72%)
Queer	1 (0.25%)	74 (5.71%)
Other	17 (4.25%)	62 (4.79%)
Refused	27 (6.75%)	77 (5.95%)

Question 53 — Are you a person with a disability?

	Phone Survey	Web Survey
Yes	75 (18.75%)	152 (11.74%)
No	318 (79.5%)	1083 (83.63%)
Refused	7 (1.75%)	60 (4.63%)

Question 54 — What is your housing situation?

	Phone Survey	Web Survey
Own	274 (68.5%)	585 (45.17%)
Rent	98 (24.5%)	556 (42.93%)
Transitional housing	0 (0%)	3 (0.23%)
Homeless / shelter	0 (0%)	21 (1.62%)
Live with someone	12 (3%)	49 (3.78%)
Other	8 (2%)	26 (2.01%)
Refused	8 (2%)	55 (4.25%)

Question 55 — How many people live in your household?

	Phone Survey	Web Survey
1	127 (31.75%)	243 (18.76%)
2	136 (34%)	496 (38.3%)
3	50 (12.5%)	239 (18.46%)
4	45 (11.25%)	174 (13.44%)
5 or more	29 (7.25%)	83 (6.41%)
Refused	13 (3.25%)	60 (4.63%)

Question 56 — How many children under the age of 18 live in your household?

	Phone Survey	Web Survey
0	164 (63.08%)	893 (68.96%)
1	49 (18.85%)	173 (13.36%)
2	37 (14.23%)	123 (9.5%)
3	8 (3.08%)	30 (2.32%)
4	1 (0.38%)	5 (0.39%)
5 or more	0 (0%)	2 (0.15%)
Refused	1 (0.38%)	69 (5.33%)

Question 57 — What is your zip code?

	Phone Survey
98004	1 (0.25%)
98018	1 (0.25%)
98026	1 (0.25%)
98031	2 (0.5%)
98038	1 (0.25%)
98055	1 (0.25%)
98057	1 (0.25%)
98077	1 (0.25%)
98101	7 (1.75%)
98102	10 (2.5%)
98103	23 (5.75%)
98104	3 (0.75%)
98105	16 (4%)
98106	8 (2%)
98107	12 (3%)
98108	5 (1.25%)
98109	8 (2%)
98112	9 (2.25%)
98114	1 (0.25%)
98115	36 (9%)
98116	16 (4%)
98117	11 (2.75%)
98118	23 (5.75%)
98119	17 (4.25%)
98121	2 (0.5%)
98122	15 (3.75%)
98125	32 (8%)
98126	16 (4%)
98133	13 (3.25%)
98136	16 (4%)
98139	1 (0.25%)
98144	18 (4.5%)
98145	1 (0.25%)
98146	7 (1.75%)
98148	1 (0.25%)
98155	6 (1.5%)
98166	2 (0.5%)
98168	7 (1.75%)
98177	4 (1%)
98178	15 (3.75%)
98188	2 (0.5%)
98199	11 (2.75%)
98223	1 (0.25%)
98275	1 (0.25%)
99999	15 (3.75%)

Question 58 — Is your age between:

	Phone Survey	Web Survey
15 and 25	15 (3.75%)	85 (6.56%)
26 and 35	24 (6%)	370 (28.57%)
36 and 50	72 (18%)	395 (30.50%)
51 and 64	140 (35%)	243 (18.76%)
65 year of age or older	143 (35.75%)	141 (10.88%)
Refused	6 (1.5%)	61 (4.71%)

Question 59 — What is the highest level of education you have completed?

	Phone Survey	Web Survey
Grade school or some high school	7 (1.75%)	29 (2.24%)
High school graduate	33 (8.25%)	26 (2.01%)
Some college, technical, vocational or two year degree	95 (23.75%)	212 (16.37%)
Four year college graduate	116 (29%)	380 (29.34%)
Post graduate work or graduate degree	141 (35.25%)	589 (45.48%)
Refused	8 (2%)	59 (4.56%)

Question 60 — How long have you lived, worked or gone to school in Seattle?

	Phone Survey	Web Survey
One year or less	15 (3.75%)	63 (4.86%)
1 to 2 years	—	71 (5.48%)
2 to 5 years	25 (6.25%)	164 (12.66%)
5 to 10 years	23 (5.75%)	187 (14.44%)
10 years or more	328 (82%)	756 (58.38%)
Refused	9 (2.25%)	54 (4.17%)

Question 61 — What is your current employment status?

	Phone Survey	WebSurvey
Employed full time	150 (37.5%)	642 (49.58%)
Employed part time	32 (8%)	133 (10.27%)
Self employed	36 (9%)	90 (6.95%)
Currently unemployed	38 (9.5%)	63 (4.86%)
Student	3 (0.75%)	63 (4.86%)
Other	132 (33%)	249 (19.23%)
Refused	9 (2.25%)	55 (4.25%)

Question 62 — When it comes to politics, do you usually think of yourself as a Liberal, a Conservative, a Moderate, or have you not thought about it much?

	Phone Survey	Web Survey
Liberal	207 (51.75%)	808 (62.39%)
Conservative	42 (10.5%)	25 (1.93%)
Moderate	60 (15%)	158 (12.2%)
Haven't thought about it much	47 (11.75%)	65 (5.02%)
Other (SPECIFY)	29 (7.25%)	171 (13.2%)
Refused	15 (3.75%)	68 (5.25%)

Table 9: If responding other to Q62:

	Phone Survey
Always vote for the best candidate and independently.	1 (3.33%)
Democrat	3 (10%)
Democratic Socialist	1 (3.33%)
I don't agree with politics at all.	1 (3.33%)
In between conservative and liberal.	1 (3.33%)
Independent	14 (46.67%)
Liberal and moderate.	1 (3.33%)
Liberal in the classical sense, as in liberal education.	1 (3.33%)
Progressive	4 (13.33%)
Radical	1 (3.33%)
Socialist Party	1 (3.33%)
Sometimes depends on candidate or election, won't lump myself in one.	1 (3.33%)
	N 30

	Phone Survey	Web Survey
Less than \$20,000	38 (9.5%)	141 (10.89%)
\$20,000 to less than \$40,000	46 (11.5%)	149 (11.51%)
\$40,000 to less than \$60,000	43 (10.75%)	198 (15.29%)
\$60,000 to less than \$75,000	37 (9.25%)	151 (11.66%)
\$75,000 to less than \$100,000	54 (13.5%)	157 (12.12%)
\$100,000 to less than \$150,000	43 (10.75%)	219 (16.91%)
\$150,000 to less than \$200,000	19 (4.75%)	97 (7.49%)
\$200,000 or above	38 (9.5%)	77 (5.95%)
Refused	82 (20.5%)	106 (8.19%)

Question 64 — If you live in Seattle, what is your City Council district?

	Phone Survey	Web Survey
District 1	24 (6%)	82 (6.82%)
District 2	5 (1.25%)	97 (8.06%)
District 3	15 (3.75%)	141 (11.72%)
District 4	13 (3.25%)	71 (5.9%)
District 5	13 (3.25%)	53 (4.41%)
District 6	10 (2.5%)	94 (7.81%)
District 7	20 (5%)	64 (5.32%)
Don't know	278 (69.5%)	470 (39.07%)
Does not apply / Don't live in Seattle	22 (5.5%)	131 (10.89%)

Chapter Listing

Chapter 10.97 RCW

WASHINGTON STATE CRIMINAL RECORDS PRIVACY ACT

Sections

10.97.010	Declaration of policy.
10.97.020	Short title.
10.97.030	Definitions.
10.97.040	Information required—Exceptions.
10.97.045	Disposition data to initiating agency and state patrol.
10.97.050	Restricted, unrestricted information—Records.
10.97.060	Deletion of certain information, conditions.
10.97.070	Disclosure of suspect's identity to victim.
10.97.080	Inspection of information by subject—Challenges and corrections.
10.97.090	Administration by state patrol.
10.97.100	Fees.
10.97.110	Civil remedies—Criminal prosecution not affected.
10.97.120	Criminal penalties—Civil action not affected.
10.97.130	Child victims of sexual assaults, identification confidential.
10.97.140	Construction.

NOTES:

*Public records: Chapter **42.56** RCW.*

*Records of community sexual assault program and underserved populations provider not available as part of discovery: RCW **70.125.065**.*

10.97.010

Declaration of policy.

The legislature declares that it is the policy of the state of Washington to provide for the completeness, accuracy, confidentiality, and security of criminal history record information and victim, witness, and complainant record information as defined in this chapter.

[**1977 ex.s. c 314 § 1.**]

10.97.020**Short title.**

This chapter may be cited as the Washington State Criminal Records Privacy Act.

[1977 ex.s. c 314 § 2.]

NOTES:

Reviser's note: The phrase "This 1977 amendatory act" has been changed to "This chapter." This 1977 amendatory act [1977 ex.s. c 314] consists of chapter **10.97** RCW and the amendments of RCW **42.17.310**, **43.43.705**, **43.43.710**, **43.43.730**, and **43.43.810**.

10.97.030**Definitions.**

For purposes of this chapter, the definitions of terms in this section shall apply.

(1) "The administration of criminal justice" means performance of any of the following activities: Detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The term also includes criminal identification activities and the collection, storage, dissemination of criminal history record information, and the compensation of victims of crime.

(2) "Conviction or other disposition adverse to the subject" means any disposition of charges other than: (a) A decision not to prosecute; (b) a dismissal; or (c) acquittal; with the following exceptions, which shall be considered dispositions adverse to the subject: An acquittal due to a finding of not guilty by reason of insanity and a dismissal by reason of incompetency, pursuant to chapter **10.77** RCW; and a dismissal entered after a period of probation, suspension, or deferral of sentence.

(3) "Conviction record" means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the subject.

(4) "Criminal history record information" means information contained in records collected by criminal justice agencies, other than courts, on individuals, consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, including acquittals by reason of insanity, dismissals based on lack of competency, sentences, correctional supervision, and release.

The term includes any issued certificates of restoration of opportunities and any information contained in records maintained by or obtained from criminal justice agencies, other than courts, which records provide individual identification of a person together with any portion of the individual's record of involvement in the criminal justice system as an alleged or convicted offender, except:

(a) Posters, announcements, or lists for identifying or apprehending fugitives or wanted persons;

(b) Original records of entry maintained by criminal justice agencies to the extent that such records are compiled and maintained chronologically and are accessible only on a chronological basis;

(c) Court indices and records of public judicial proceedings, court decisions, and opinions, and information disclosed during public judicial proceedings;

(d) Records of traffic violations which are not punishable by a maximum term of imprisonment of more than ninety days;

(e) Records of any traffic offenses as maintained by the department of licensing for the purpose of regulating the issuance, suspension, revocation, or renewal of drivers' or other operators' licenses and pursuant to RCW **46.52.130**;

(f) Records of any aviation violations or offenses as maintained by the department of transportation for the purpose of regulating pilots or other aviation operators, and pursuant to RCW **47.68.330**;

(g) Announcements of executive clemency;

(h) Intelligence, analytical, or investigative reports and files.

(5) "Criminal justice agency" means: (a) A court; or (b) a government agency which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice.

(6) "Disposition" means the formal conclusion of a criminal proceeding at whatever stage it occurs in the criminal justice system.

(7) "Dissemination" means disclosing criminal history record information or disclosing the absence of criminal history record information to any person or agency outside the agency possessing the information, subject to the following exceptions:

(a) When criminal justice agencies jointly participate in the maintenance of a single recordkeeping department as an alternative to maintaining separate records, the furnishing of information by that department to personnel of any participating agency is not a dissemination;

(b) The furnishing of information by any criminal justice agency to another for the purpose of processing a matter through the criminal justice system, such as a police department providing information to a prosecutor for use in preparing a charge, is not a dissemination;

(c) The reporting of an event to a recordkeeping agency for the purpose of maintaining the record is not a dissemination.

(8) "Nonconviction data" consists of all criminal history record information relating to an incident which has not led to a conviction or other disposition adverse to the subject, and for which proceedings are no longer actively pending. There shall be a rebuttable presumption that proceedings are no longer actively pending if more than one year has elapsed since arrest, citation, charge, or service of warrant and no disposition has been entered.

[**2016 c 81 § 4**; **2012 c 125 § 1**; **1999 c 49 § 1**; **1998 c 297 § 49**; **1990 c 3 § 128**; **1979 ex.s. c 36 § 1**; **1979 c 158 § 5**; **1977 ex.s. c 314 § 3.**]

NOTES:

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW **1.08.015(2)(k)**.

Finding—Conflict with federal requirements—2016 c 81: See notes following RCW [9.97.010](#).

Effective dates—Severability—Intent—1998 c 297: See notes following RCW [71.05.010](#).

Index, part headings not law—Severability—Effective dates—Application—1990 c 3: See RCW [18.155.900](#) through [18.155.902](#).

10.97.040

Information required—Exceptions.

No criminal justice agency shall disseminate criminal history record information pertaining to an arrest, detention, indictment, information, or other formal criminal charge made after December 31, 1977, unless the record disseminated states the disposition of such charge to the extent dispositions have been made at the time of the request for the information: PROVIDED, HOWEVER, That if a disposition occurring within ten days immediately preceding the dissemination has not been reported to the agency disseminating the criminal history record information, or if information has been received by the agency within the seventy-two hours immediately preceding the dissemination, that information shall not be required to be included in the dissemination: PROVIDED FURTHER, That when another criminal justice agency requests criminal history record information, the disseminating agency may disseminate specific facts and incidents which are within its direct knowledge without furnishing disposition data as otherwise required by this section, unless the disseminating agency has received such disposition data from either: (1) the state patrol, or (2) the court or other criminal justice agency required to furnish disposition data pursuant to RCW [10.97.045](#).

No criminal justice agency shall disseminate criminal history record information which shall include information concerning a felony or gross misdemeanor without first making inquiry of the identification section of the Washington state patrol for the purpose of obtaining the most current and complete information available, unless one or more of the following circumstances exists:

(1) The information to be disseminated is needed for a purpose in the administration of criminal justice for which time is of the essence and the identification section is technically or physically incapable of responding within the required time;

(2) The full information requested and to be disseminated relates to specific facts or incidents which are within the direct knowledge of the agency which disseminates the information;

(3) The full information requested and to be disseminated is contained in a criminal history record information summary received from the identification section by the agency which is to make the dissemination not more than thirty days preceding the dissemination to be made;

(4) The statute, executive order, court rule, or court order pursuant to which the information is to be disseminated refers solely to information in the files of the agency which makes the dissemination;

(5) The information requested and to be disseminated is for the express purpose of research, evaluative, or statistical activities to be based upon information maintained in the files of the agency or agencies from which the information is directly sought; or

(6) A person who is the subject of the record requests the information and the agency complies with the requirements in RCW **10.97.080** as now or hereafter amended.

[**1979 ex.s. c 36 § 2; 1977 ex.s. c 314 § 4.**]

10.97.045

Disposition data to initiating agency and state patrol.

Whenever a court or other criminal justice agency reaches a disposition of a criminal proceeding, the court or other criminal justice agency shall furnish the disposition data to the agency initiating the criminal history record for that charge and to the identification section of the Washington state patrol as required under RCW **43.43.745**.

[**1979 ex.s. c 36 § 6.**]

10.97.050

Restricted, unrestricted information—Records.

(1) Conviction records may be disseminated without restriction.

(2) Any criminal history record information which pertains to an incident that occurred within the last twelve months for which a person is currently being processed by the criminal justice system, including the entire period of correctional supervision extending through final discharge from parole, when applicable, may be disseminated without restriction.

(3) Criminal history record information which includes nonconviction data may be disseminated by a criminal justice agency to another criminal justice agency for any purpose associated with the administration of criminal justice, or in connection with the employment of the subject of the record by a criminal justice or juvenile justice agency. A criminal justice agency may respond to any inquiry from another criminal justice agency without any obligation to ascertain the purpose for which the information is to be used by the agency making the inquiry.

(4) Criminal history record information which includes nonconviction data may be disseminated by a criminal justice agency to implement a statute, ordinance, executive order, or a court rule, decision, or order which expressly refers to records of arrest, charges, or allegations of criminal conduct or other nonconviction data and authorizes or directs that it be available or accessible for a specific purpose.

(5) Criminal history record information which includes nonconviction data may be disseminated to individuals and agencies pursuant to a contract with a criminal justice agency to provide services related to the administration of criminal justice. Such contract must specifically authorize access to criminal history record information, but need not specifically state that access to nonconviction data is included. The agreement must limit the use of the criminal history record information to stated purposes and insure the confidentiality and

security of the information consistent with state law and any applicable federal statutes and regulations.

(6) Criminal history record information which includes nonconviction data may be disseminated to individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency. Such agreement must authorize the access to nonconviction data, limit the use of that information which identifies specific individuals to research, evaluative, or statistical purposes, and contain provisions giving notice to the person or organization to which the records are disseminated that the use of information obtained therefrom and further dissemination of such information are subject to the provisions of this chapter and applicable federal statutes and regulations, which shall be cited with express reference to the penalties provided for a violation thereof.

(7) Every criminal justice agency that maintains and disseminates criminal history record information must maintain information pertaining to every dissemination of criminal history record information except a dissemination to the effect that the agency has no record concerning an individual. Information pertaining to disseminations shall include:

- (a) An indication of to whom (agency or person) criminal history record information was disseminated;
- (b) The date on which the information was disseminated;
- (c) The individual to whom the information relates; and
- (d) A brief description of the information disseminated.

The information pertaining to dissemination required to be maintained shall be retained for a period of not less than one year.

(8) In addition to the other provisions in this section allowing dissemination of criminal history record information, RCW **4.24.550** governs dissemination of information concerning offenders who commit sex offenses as defined by RCW **9.94A.030**. Criminal justice agencies, their employees, and officials shall be immune from civil liability for dissemination on criminal history record information concerning sex offenders as provided in RCW **4.24.550**.

[**2012 c 125 § 2**; **2005 c 421 § 9**; **1990 c 3 § 129**; **1977 ex.s. c 314 § 5**.]

NOTES:

Index, part headings not law—Severability—Effective dates—Application—1990 c 3: See RCW **18.155.900 through **18.155.902**.**

10.97.060

Deletion of certain information, conditions.

Criminal history record information which consists of nonconviction data only shall be subject to deletion from criminal justice agency files which are available and generally searched for the purpose of responding to inquiries concerning the criminal history of a named or otherwise identified individual when two years or longer have elapsed since the record became nonconviction data as a result of the entry of a disposition favorable to the defendant, or upon the passage of three years from the date of arrest or issuance of a citation or warrant

for an offense for which a conviction was not obtained unless the defendant is a fugitive, or the case is under active prosecution according to a current certification made by the prosecuting attorney.

Such criminal history record information consisting of nonconviction data shall be deleted upon the request of the person who is the subject of the record: PROVIDED, HOWEVER, That the criminal justice agency maintaining the data may, at its option, refuse to make the deletion if:

(1) The disposition was a deferred prosecution or similar diversion of the alleged offender;

(2) The person who is the subject of the record has had a prior conviction for a felony or gross misdemeanor;

(3) The individual who is the subject of the record has been arrested for or charged with another crime during the intervening period.

Nothing in this chapter is intended to restrict the authority of any court, through appropriate judicial proceedings, to order the modification or deletion of a record in a particular cause or concerning a particular individual or event.

[1977 ex.s. c 314 § 6.]

10.97.070

Disclosure of suspect's identity to victim.

(1) Criminal justice agencies may, in their discretion, disclose to persons who have suffered physical loss, property damage, or injury compensable through civil action, the identity of persons suspected as being responsible for such loss, damage, or injury together with such information as the agency reasonably believes may be of assistance to the victim in obtaining civil redress. Such disclosure may be made without regard to whether the suspected offender is an adult or a juvenile, whether charges have or have not been filed, or a prosecuting authority has declined to file a charge or a charge has been dismissed.

(2) Unless the agency determines release would interfere with an ongoing criminal investigation, in any action brought pursuant to this chapter, criminal justice agencies shall disclose identifying information, including photographs of suspects, if the acts are alleged by the plaintiff or victim to be a violation of RCW **9A.50.020**.

(3) The disclosure by a criminal justice agency of investigative information pursuant to subsection (1) of this section shall not establish a duty to disclose any additional information concerning the same incident or make any subsequent disclosure of investigative information, except to the extent an additional disclosure is compelled by legal process.

[1993 c 128 § 10; 1977 ex.s. c 314 § 7.]

NOTES:

Effective date—1993 c 128: See RCW **9A.50.902**.

10.97.080**Inspection of information by subject—Challenges and corrections.**

All criminal justice agencies shall permit an individual who is, or who believes that he or she may be, the subject of a criminal record maintained by that agency, to appear in person during normal business hours of that criminal justice agency and request to see the criminal history record information held by that agency pertaining to the individual. The individual's right to access and review of criminal history record information shall not extend to data contained in intelligence, investigative, or other related files, and shall not be construed to include any information other than that defined as criminal history record information by this chapter.

Every criminal justice agency shall adopt rules and make available forms to facilitate the inspection and review of criminal history record information by the subjects thereof, which rules may include requirements for identification, the establishment of reasonable periods of time to be allowed an individual to examine the record, and for assistance by an individual's counsel, interpreter, or other appropriate persons.

No person shall be allowed to retain or mechanically reproduce any nonconviction data except for the person who is the subject of the record. Such person may retain a copy of their personal nonconviction data information on file, if the criminal justice agency has verified the identities of those who seek to inspect them. Criminal justice agencies may impose such additional restrictions, including fingerprinting, as are reasonably necessary both to assure the record's security and to verify the identities of those who seek to inspect them. The criminal justice agency may charge a reasonable fee for fingerprinting or providing a copy of the personal nonconviction data information pursuant to this section. The provisions of chapter **42.56** RCW shall not be construed to require or authorize copying of nonconviction data for any other purpose.

The Washington state patrol shall establish rules for the challenge of records which an individual declares to be inaccurate or incomplete, and for the resolution of any disputes between individuals and criminal justice agencies pertaining to the accuracy and completeness of criminal history record information. The Washington state patrol shall also adopt rules for the correction of criminal history record information and the dissemination of corrected information to agencies and persons to whom inaccurate or incomplete information was previously disseminated. Such rules may establish time limitations of not less than ninety days upon the requirement for disseminating corrected information.

[**2012 c 125 § 3; 2010 c 8 § 1093; 2005 c 274 § 206; 1979 ex.s. c 36 § 3; 1977 ex.s. c 314 § 8.**]

10.97.090**Administration by state patrol.**

The Washington state patrol is hereby designated the agency of state government responsible for the administration of the 1977 Washington State Criminal Records Privacy Act.

The Washington state patrol may adopt any rules and regulations necessary for the performance of the administrative functions provided for in this chapter.

The Washington state patrol shall have the following specific administrative duties:

(1) To establish by rule and regulation standards for the security of criminal history information systems in order that such systems and the data contained therein be adequately protected from fire, theft, loss, destruction, other physical hazard, or unauthorized access;

(2) To establish by rule and regulation standards for personnel employed by criminal justice of other state and local government agencies in positions with responsibility for maintenance and dissemination of criminal history record information; and

(3) To contract with the Washington state auditor or other public or private agency, organization, or individual to perform audits of criminal history record information systems.

[1979 ex.s. c 36 § 4; 1977 ex.s. c 314 § 9.]

10.97.100

Fees.

Criminal justice agencies shall be authorized to establish and collect reasonable fees for the dissemination of criminal history record information to agencies and persons other than criminal justice agencies.

[1977 ex.s. c 314 § 10.]

10.97.110

Civil remedies—Criminal prosecution not affected.

Any person may maintain an action to enjoin a continuance of any act or acts in violation of any of the provisions of this chapter, and if injured thereby, for the recovery of damages and for the recovery of reasonable attorneys' fees. If, in such action, the court shall find that the defendant is violating or has violated any of the provisions of this chapter, it shall enjoin the defendant from a continuance thereof, and it shall not be necessary that actual damages to the plaintiff be alleged or proved. In addition to such injunctive relief, the plaintiff in said action shall be entitled to recover from the defendant the amount of the actual damages, if any, sustained by him or her if actual damages to the plaintiff are alleged and proved. In any suit brought to enjoin a violation of this chapter, the prevailing party may be awarded reasonable attorneys' fees, including fees incurred upon appeal. Commencement, pendency, or conclusion of a civil action for injunction or damages shall not affect the liability of a person or agency to criminal prosecution for a violation of this chapter.

[2010 c 8 § 1094; 1979 ex.s. c 36 § 5; 1977 ex.s. c 314 § 11.]

10.97.120**Criminal penalties—Civil action not affected.**

Violation of the provisions of this chapter shall constitute a misdemeanor, and any person whether as principal, agent, officer, or director for himself or herself or for another person, or for any firm or corporation, public or private, or any municipality who or which shall violate any of the provisions of this chapter shall be guilty of a misdemeanor for each single violation. Any criminal prosecution shall not affect the right of any person to bring a civil action as authorized by this chapter or otherwise authorized by law.

[[2010 c 8 § 1095](#); [1977 ex.s. c 314 § 12](#).]

10.97.130**Child victims of sexual assaults, identification confidential.**

Information identifying child victims under age eighteen who are victims of sexual assaults is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying the child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault. Prior to release of any criminal history record information, the releasing agency shall delete any information identifying a child victim of sexual assault from the information except as provided in this section.

[[1992 c 188 § 8](#).]

NOTES:

Findings—Intent—Severability—1992 c 188: See notes following RCW [7.69A.020](#).

10.97.140**Construction.**

Nothing in RCW [40.14.060](#) or [40.14.070](#) or chapter [42.56](#) RCW precludes dissemination of criminal history record information, including nonconviction data, for the purposes of this chapter.

[[2005 c 274 § 207](#); [1999 c 326 § 4](#).]

Chapter 11.35 - IMMOBILIZATION

Sections:

11.35.010 - Scofflaw list

- A. When there are four or more parking citations issued against a vehicle for each of which a person has failed to respond, failed to appear at a requested hearing, or failed to pay amounts due for at least 45 days from the date of the filing of each of those citations, the Seattle Municipal Court shall place the vehicle on a list of scofflaws, and shall mail, by first class mail, a notice to the last known registered owner of the vehicle, as disclosed by the vehicle license number as provided by the Washington State Department of Licensing or equivalent vehicle licensing agency of the state in which the vehicle is registered. If there is no last known address that can be ascertained from the Washington Department of Licensing, or if the vehicle has no Washington vehicle license number or is not registered in the State of Washington, the notice, in the form of a readily visible notification sticker, may be affixed to the vehicle while left within a public right-of-way or other publicly owned or controlled property. A notification sticker may be used in lieu of mailing even if the last known address is ascertainable for vehicles registered in the State of Washington.
- B. The registered vehicle owner may request an administrative review at the Seattle Municipal Court at any time that the vehicle is on the scofflaw list until the vehicle has been immobilized or impounded. The review should only examine whether the vehicle is properly on the scofflaw list and shall not review the underlying citations that caused the vehicle to be included on the scofflaw list. The vehicle shall be removed from the list only upon a showing by the registered owner that either:
 1. fewer than four of the citations that caused the vehicle to be included on the scofflaw list were committed while the current registered owner was the legal owner of the vehicle; or
 2. all amounts due pertaining to the citations that met the criteria for scofflaw under Section 11.35.010 A have been satisfied in full.
- C. A vehicle shall remain on the scofflaw list until all outstanding parking infraction penalties, court costs (including but not limited to collection agency remuneration authorized under RCW 3.02.045), default penalties on parking traffic infractions imposed under Section 11.31.120, immobilization release fees imposed under subsection 11.35.020.H, costs of impoundment (including removal, towing and storage fees) imposed under Section 11.30.120, towing administrative fees imposed under Section 11.30.290 and immobilization administrative fees under subsection 11.35.020.H, and interest, have been paid, or a time payment plan has been arranged with the Seattle Municipal Court or their authorized agent.
- D. When a time payment plan is created, the subject vehicle shall be temporarily removed from the scofflaw list and the payment amounts shall be applied on a pro rata basis until all penalties, fines or fees owed relating to all parking citations are satisfied. A vehicle that has been temporarily removed from the scofflaw list shall be returned to the list if the owner defaults on the time payment agreement, in accordance with guidelines adopted by the Seattle Municipal Court.

(Ord. 124558, § 1, 2014; Ord. 123563, § 1, 2011; Ord. 123447, § 1, 2010)

11.35.020 - Immobilization

- A. Effective July 1, 2011 and thereafter, if the notice requirements under Section 11.35.010 A have been met, and if parked in public right-of-way or on other publicly owned or controlled property, a vehicle on the scofflaw list may be immobilized by installing on such vehicle a device known as a "boot," which clamps and locks onto the vehicle wheel and impedes vehicle movement. If a vehicle is immobilized, it shall not be released until full payment has been made, or a time payment agreement has been entered into for all outstanding penalties, fines, or fees owed for all parking citations, plus all immobilization, towing, and storage charges and administrative fees.

- B. Any vehicle that remains booted for 48 hours or more, not including any of the 48 hours from the beginning of Saturday until the end of Sunday, or which becomes illegally parked while booted, shall be subject to towing and impoundment pursuant to Section 11.30.040. The Seattle Department of Transportation and Seattle Police Department shall issue joint guidelines for vehicle towing related to immobilization, based on Sections 11.30.040 and 11.16.320.
- C. The person installing the boot shall leave under the windshield wiper or otherwise attach to the vehicle a notice advising the owner that the vehicle has been booted by the City of Seattle for failure to respond, failure to appear at a requested hearing, and failure to pay amounts due for four or more adjudicated parking infractions for at least 45 days from the date of the last such adjudication issued against the vehicle; that release of the boot may be obtained by paying all outstanding penalties, fines, or forfeitures owed relating to all adjudicated violations, plus all booting, removal, towing, and storage charges and administrative fees; that unless such payment is made within two business days of the date of the notice, the vehicle will be impounded; that it is unlawful for any person to remove or attempt to remove the boot, to damage the boot, or to move the vehicle with the boot attached, unless authorized by the Seattle Police Department or an authorized agent of the City; and that the owner may seek an administrative review of the booting by submitting a request to the Seattle Municipal Court within ten days of the release of the boot. The notice shall further state that the vehicle remains subject to impoundment regardless of whether the owner requests an appeal.
- D. The vehicle may be released from immobilization when the vehicle owner or an agent of the owner pays all outstanding parking infraction penalties, court costs (including but not limited to collection agency remuneration authorized under RCW 3.02.045), default penalties on parking traffic infractions imposed under Section 11.31.120, immobilization release fees imposed under subsection 11.35.020.H, costs of impoundment (including removal, towing and storage fees) imposed under Section 11.30.120, towing administrative fees imposed under Section 11.30.290 and immobilization administrative fees under subsection 11.35.020.H, and interest, or enters into a time payment agreement for the payment thereof. Upon full payment or upon entry into a time payment agreement, the Seattle Police Department or other authorized agent of the City shall promptly remove or enable the removal of the boot from the vehicle. If payment is made in full, the vehicle shall be removed from the scofflaw list and shall not be subject to immobilization or impoundment for the paid citations. Upon entry into a time payment agreement, the vehicle shall be temporarily removed from the scofflaw list and shall not be subject to immobilization, provided, however, that the vehicle shall be returned to the scofflaw list and be subject to immobilization if the owner defaults on the time payment agreement. A registered owner who defaults on a time payment agreement shall not be given another opportunity to make a time payment arrangement and therefore, payment for all outstanding amounts above shall be made in full before the vehicle may be removed from the scofflaw list or released from immobilization or impound. Any person who has previously removed or enabled removal of a booting device in violation of subsection E while on the scofflaw list for any four or more parking infractions, and subsequently is booted a second time while on the scofflaw list for the same parking infractions, shall not be eligible for a time payment plan.
- E. No person other than an authorized employee of the Seattle Police Department or an authorized agent of the City shall remove or enable the removal of the boot described in subsection A of this Section from any vehicle on which it has been installed unless the requirements of subsection D have been met.
- F. If the Seattle Police Department or an authorized agent of the City enables the vehicle owner to remove the boot, the owner shall return the boot to a location designated by the Department within two calendar days of the removal.
- G. No person, other than an authorized employee of the Seattle Police Department or other authorized agent of the City, shall move, by towing or other means, any vehicle after it has been immobilized but before the boot has been removed.
- H. The Director of Finance and Administrative Services shall determine and set an immobilization fee and an administrative fee in amounts such that the sum of such fees do not exceed the sum of the lowest impound fee, minimum storage fee, and administrative fee for vehicle impoundment under Section 11.30.120. An administrative fee, if any, shall be levied when the boot is removed. The

administrative fee shall be collected by the contractor releasing the vehicle from immobilization, shall be remitted to the Department of Finance and Administrative Services, and shall be deposited in an appropriate account.

- I. A person who fails to return the booting device within the time frame required by subsection F of this section may be charged a late fee as determined by the Director of Finance and Administrative Services.
- J. A person who intentionally damages the booting device may be charged a replacement fee as determined by the Director of Finance and Administrative Services and also may be prosecuted for the crime of property destruction under section 12A.08.020.
- K. The Director of Finance and Administrative Services shall adopt rules governing the imposition of fees under this Section 11.35.020.

(Ord. 124558, § 2, 2014; Ord. 123563, § 2, 2011; Ord. 123447, § 1, 2010)

11.35.030 - Post-immobilization review

The registered vehicle owner may seek a post-deprivation review of the immobilization by submitting a written request to the Seattle Municipal Court within ten days of the placement of the notice on the vehicle, as established by the notice date. Upon timely receipt of such written request, the Seattle Municipal Court shall, within a reasonable time as established by the Court, conduct a review on the issue of whether the immobilization was proper and shall issue a written decision setting forth the reasons on which the decision is based, provided, however, that any previously adjudicated parking infractions that formed the basis of the vehicle's scofflaw status shall not be subject to the review. The person seeking review shall have an opportunity to present evidence on his or her behalf in accordance with requirements established by the Court.

(Ord. 123447, § 1, 2010)

Chapter 11.35 - IMMOBILIZATION

Sections:

11.35.010 - Scofflaw list

- A. When there are four or more parking citations issued against a vehicle for each of which a person has failed to respond, failed to appear at a requested hearing, or failed to pay amounts due for at least 45 days from the date of the filing of each of those citations, the Seattle Municipal Court shall place the vehicle on a list of scofflaws, and shall mail, by first class mail, a notice to the last known registered owner of the vehicle, as disclosed by the vehicle license number as provided by the Washington State Department of Licensing or equivalent vehicle licensing agency of the state in which the vehicle is registered. If there is no last known address that can be ascertained from the Washington Department of Licensing, or if the vehicle has no Washington vehicle license number or is not registered in the State of Washington, the notice, in the form of a readily visible notification sticker, may be affixed to the vehicle while left within a public right-of-way or other publicly owned or controlled property. A notification sticker may be used in lieu of mailing even if the last known address is ascertainable for vehicles registered in the State of Washington.
- B. The registered vehicle owner may request an administrative review at the Seattle Municipal Court at any time that the vehicle is on the scofflaw list until the vehicle has been immobilized or impounded. The review should only examine whether the vehicle is properly on the scofflaw list and shall not review the underlying citations that caused the vehicle to be included on the scofflaw list. The vehicle shall be removed from the list only upon a showing by the registered owner that either:
 1. fewer than four of the citations that caused the vehicle to be included on the scofflaw list were committed while the current registered owner was the legal owner of the vehicle; or
 2. all amounts due pertaining to the citations that met the criteria for scofflaw under Section 11.35.010 A have been satisfied in full.
- C. A vehicle shall remain on the scofflaw list until all outstanding parking infraction penalties, court costs (including but not limited to collection agency remuneration authorized under RCW 3.02.045), default penalties on parking traffic infractions imposed under Section 11.31.120, immobilization release fees imposed under subsection 11.35.020.H, costs of impoundment (including removal, towing and storage fees) imposed under Section 11.30.120, towing administrative fees imposed under Section 11.30.290 and immobilization administrative fees under subsection 11.35.020.H, and interest, have been paid, or a time payment plan has been arranged with the Seattle Municipal Court or their authorized agent.
- D. When a time payment plan is created, the subject vehicle shall be temporarily removed from the scofflaw list and the payment amounts shall be applied on a pro rata basis until all penalties, fines or fees owed relating to all parking citations are satisfied. A vehicle that has been temporarily removed from the scofflaw list shall be returned to the list if the owner defaults on the time payment agreement, in accordance with guidelines adopted by the Seattle Municipal Court.

(Ord. 124558, § 1, 2014; Ord. 123563, § 1, 2011; Ord. 123447, § 1, 2010)

11.35.020 - Immobilization

- A. Effective July 1, 2011 and thereafter, if the notice requirements under Section 11.35.010 A have been met, and if parked in public right-of-way or on other publicly owned or controlled property, a vehicle on the scofflaw list may be immobilized by installing on such vehicle a device known as a "boot," which clamps and locks onto the vehicle wheel and impedes vehicle movement. If a vehicle is immobilized, it shall not be released until full payment has been made, or a time payment agreement has been entered into for all outstanding penalties, fines, or fees owed for all parking citations, plus all immobilization, towing, and storage charges and administrative fees.

- B. Any vehicle that remains booted for 48 hours or more, not including any of the 48 hours from the beginning of Saturday until the end of Sunday, or which becomes illegally parked while booted, shall be subject to towing and impoundment pursuant to Section 11.30.040. The Seattle Department of Transportation and Seattle Police Department shall issue joint guidelines for vehicle towing related to immobilization, based on Sections 11.30.040 and 11.16.320.
- C. The person installing the boot shall leave under the windshield wiper or otherwise attach to the vehicle a notice advising the owner that the vehicle has been booted by the City of Seattle for failure to respond, failure to appear at a requested hearing, and failure to pay amounts due for four or more adjudicated parking infractions for at least 45 days from the date of the last such adjudication issued against the vehicle; that release of the boot may be obtained by paying all outstanding penalties, fines, or forfeitures owed relating to all adjudicated violations, plus all booting, removal, towing, and storage charges and administrative fees; that unless such payment is made within two business days of the date of the notice, the vehicle will be impounded; that it is unlawful for any person to remove or attempt to remove the boot, to damage the boot, or to move the vehicle with the boot attached, unless authorized by the Seattle Police Department or an authorized agent of the City; and that the owner may seek an administrative review of the booting by submitting a request to the Seattle Municipal Court within ten days of the release of the boot. The notice shall further state that the vehicle remains subject to impoundment regardless of whether the owner requests an appeal.
- D. The vehicle may be released from immobilization when the vehicle owner or an agent of the owner pays all outstanding parking infraction penalties, court costs (including but not limited to collection agency remuneration authorized under RCW 3.02.045), default penalties on parking traffic infractions imposed under Section 11.31.120, immobilization release fees imposed under subsection 11.35.020.H, costs of impoundment (including removal, towing and storage fees) imposed under Section 11.30.120, towing administrative fees imposed under Section 11.30.290 and immobilization administrative fees under subsection 11.35.020.H, and interest, or enters into a time payment agreement for the payment thereof. Upon full payment or upon entry into a time payment agreement, the Seattle Police Department or other authorized agent of the City shall promptly remove or enable the removal of the boot from the vehicle. If payment is made in full, the vehicle shall be removed from the scofflaw list and shall not be subject to immobilization or impoundment for the paid citations. Upon entry into a time payment agreement, the vehicle shall be temporarily removed from the scofflaw list and shall not be subject to immobilization, provided, however, that the vehicle shall be returned to the scofflaw list and be subject to immobilization if the owner defaults on the time payment agreement. A registered owner who defaults on a time payment agreement shall not be given another opportunity to make a time payment arrangement and therefore, payment for all outstanding amounts above shall be made in full before the vehicle may be removed from the scofflaw list or released from immobilization or impound. Any person who has previously removed or enabled removal of a booting device in violation of subsection E while on the scofflaw list for any four or more parking infractions, and subsequently is booted a second time while on the scofflaw list for the same parking infractions, shall not be eligible for a time payment plan.
- E. No person other than an authorized employee of the Seattle Police Department or an authorized agent of the City shall remove or enable the removal of the boot described in subsection A of this Section from any vehicle on which it has been installed unless the requirements of subsection D have been met.
- F. If the Seattle Police Department or an authorized agent of the City enables the vehicle owner to remove the boot, the owner shall return the boot to a location designated by the Department within two calendar days of the removal.
- G. No person, other than an authorized employee of the Seattle Police Department or other authorized agent of the City, shall move, by towing or other means, any vehicle after it has been immobilized but before the boot has been removed.
- H. The Director of Finance and Administrative Services shall determine and set an immobilization fee and an administrative fee in amounts such that the sum of such fees do not exceed the sum of the lowest impound fee, minimum storage fee, and administrative fee for vehicle impoundment under Section 11.30.120. An administrative fee, if any, shall be levied when the boot is removed. The

administrative fee shall be collected by the contractor releasing the vehicle from immobilization, shall be remitted to the Department of Finance and Administrative Services, and shall be deposited in an appropriate account.

- I. A person who fails to return the booting device within the time frame required by subsection F of this section may be charged a late fee as determined by the Director of Finance and Administrative Services.
- J. A person who intentionally damages the booting device may be charged a replacement fee as determined by the Director of Finance and Administrative Services and also may be prosecuted for the crime of property destruction under section 12A.08.020.
- K. The Director of Finance and Administrative Services shall adopt rules governing the imposition of fees under this Section 11.35.020.

(Ord. 124558, § 2, 2014; Ord. 123563, § 2, 2011; Ord. 123447, § 1, 2010)

11.35.030 - Post-immobilization review

The registered vehicle owner may seek a post-deprivation review of the immobilization by submitting a written request to the Seattle Municipal Court within ten days of the placement of the notice on the vehicle, as established by the notice date. Upon timely receipt of such written request, the Seattle Municipal Court shall, within a reasonable time as established by the Court, conduct a review on the issue of whether the immobilization was proper and shall issue a written decision setting forth the reasons on which the decision is based, provided, however, that any previously adjudicated parking infractions that formed the basis of the vehicle's scofflaw status shall not be subject to the review. The person seeking review shall have an opportunity to present evidence on his or her behalf in accordance with requirements established by the Court.

(Ord. 123447, § 1, 2010)

Seattle Police Department Manual

Carmen Best, Chief of Police

12.110 - USE OF DEPARTMENT E-MAIL & INTERNET SYSTEMS

Effective Date: 05/01/18

The Seattle Police Department provides email service and internet access to conduct Department business.

The guidelines in this section are not exclusive. They provide a general framework of prohibited and acceptable email and internet use.

This section applies to all employees and their access to the internet while on City equipment or while on duty and their use of City email by any means.

12.110-POL

1. The City of Seattle Owns the Email and Internet Systems and Determines Appropriateness

The City owns the computers, email, and internet access systems and may monitor email and internet use for policy compliance. The City retains the right to determine what is appropriate for the workplace.

Department supervisors ensure that their staff is familiar with and adhere to Department and City email and internet policy.

2. The Department Allows Limited Personal Use of Email and Internet

Recognizing the realities of the workplace, the Department allows limited personal use of email and the internet. Occasional personal use is permissible if it follows the policies and usage standards set by the Department and the City.

3. Department Email and Internet Use is Subject to Public Disclosure

There is no expectation of privacy in using Department email or internet services on Department-owned computers. All use of Department computers, whether official or personal, is subject to public disclosure laws and can be discoverable in a lawsuit.

4. All Email and Internet Communications Must be Professional, Appropriate, and Lawful

All email communications and internet use must comply with Department and City policies on professionalism and harassment in the workplace. Employees will clearly identify their personal opinions or preliminary observations.

All internet use on Department computers comply with all laws and policies. This includes policies on privacy issues, any release of confidential, sensitive, or classified information, or information exempt from public disclosure.

The Department acknowledges that email signatures and user photos may contribute to an employee's professional image. Employees wishing to include photos, emblems (other than the SPD patch), logos, quotations, or other similar items in their email signature must have their proposed email signature approved by their chain of command through the deputy chief in advance.

5. Employees May Send Criminal Justice Information (CJI) or Other

Sensitive Information via Office Message Encryption (OME)

Ensure the recipient is a member of a Criminal Justice Agency and allowed to receive CJI information.

Including the trigger word "COSSecure" in the subject line of an email message sent from an SPD Outlook email account.

- Inserting "COSSecure" within the subject line of an SPD Outlook email will activate OME for that email.

6. Employees Will Read Email at Least Once per Shift and Respond Appropriately

Employees are not required to read or respond to email when off duty or during a system outage or technical failure that prevents the receipt or sending of email.

Employees will respond (when applicable) to High Importance emails within four business days, or sooner if required by the subject matter.

Emails classified as High Importance are marked with an orange exclamation point and include the following subjects:

- Command Staff Communications
- Directives
- Special Orders
- Training Digests
- All other emails that are job-related, time sensitive, and mandatory for the recipient
- These include subpoenas, wanted bulletins, information bulletins, investigative follow-up requests, statement requests, pre-trial discovery requests, and seizure hearing notices.

A lieutenant or above must approve the use of the High Importance classification for any other email communication.

7. Employees Will Activate Automatic Email Replies for Extended Absences

Employees will activate their email Automatic Replies (Out of Office) in Outlook when they expect that they will be unable to respond to email for a period that exceeds four business days.

8. External Emails Will Contain Employee Contact Information

All email correspondence going outside the Department will contain the employee's contact information including email address, business address, and business phone numbers.

9. General Distribution Emails Require Lieutenant Approval

Emails going to large distribution lists such as SPDALL or SPDSWORN are general distribution emails. These emails require approval from a lieutenant or above, and must include the name of the approving employee in the email.

When sending a general distribution email, employees will enter the recipients using the "Bcc" (blind carbon copy) field. The "Bcc" field will prevent unnecessary disclosure of email addresses, reduce vulnerability to junk email, and improve the chances of the email being successfully sent. The "To" field is not designed to handle a large number of addresses.

10. Employees Must Use Caution When Opening Email Attachments

Employees may contact Seattle IT if they have questions about an email attachment. Due to the risk of computer virus attacks, employees should not open email attachments from an unknown source.

11. Section Captain or Director Approves "Send As" Privileges for Shared Email Accounts

Employees must request "Send As" privileges for a shared mailbox, and/or request that a shared mailbox be created, by submitting a request via email to their section captain or director.

Employees will forward the approval to Seattle IT and initiate a service request.

12. Employees Will Not use Department Email or Computers to Conduct a Personal For-Profit Business

13. Employees Will Not use Department Email or Computers to Review Personal Investments or to Transact any Investment Business

These types of transactions include trading in stocks, bonds, or mutual funds.

Exception: Employees may conduct infrequent, brief checks of their investments in the City's Deferred Compensation Program, since this is a City-sponsored and City-maintained program.

14. Employees Will Not use Department Email or Computers to Participate in any Campaign for Elected Office or for any Other Political Activity

This includes a prohibition on making any campaign contributions via a credit card and using a Department computer to do so. Similarly, employees may not "lobby" elected officials through Department computers.

15. Employees Will not use Department Email or Computers to Engage in Demeaning or Defamatory Conduct

Examples of such prohibited activities include knowingly accessing pornographic materials or sites that promote exclusivity, hatred, or positions which are contrary to the City's policy of valuing cultural diversity.

16. Employees Will Not Access Sites That Incur a Cost to the Department Without Prior Supervisor Approval

17. Employees Will Not Knowingly Access or Communicate any Material of an Obscene, Harassing, Discriminatory or Derogatory Nature

Examples of such material include sites or email containing racial or sexual slurs or jokes, or containing harassing, intimidating, abusive, or offensive material to or about others.

18. Certain Assignments May Require Access to Sensitive Sites

The Department recognizes that certain employees, such as Vice and Intelligence Unit detectives, may have a legitimate business purpose for accessing sites and information otherwise considered inappropriate or illegal.

If employees need to access such "sensitive sites", employees will abide by the following:

- Employees will obtain approval from an immediate supervisor before accessing sensitive sites. The supervisor will contact Seattle IT to request an exception to the web filtering protocols.
- Employees accessing such sites should exercise courtesy to others that may be present when doing so. This may include closing the door, turning the screen away, or notifying other employees beforehand.

19. Department Computer Usage is Subject to the Intelligence Ordinance

Employees will adhere to the following guidelines to avoid a violation of the investigation ordinance, SMC Chapter 14.12 ("Restricted information" is defined in SMC 14.12.030 (K)):

- Storage of "restricted information" (as defined in the ordinance) on disks or computer/network drives must comply with the ordinance.
- Employees may not create directories or subdirectories which organize/index "restricted information."
- Employees may not transmit "restricted information" including web addresses (URLs) to specific sites, via email.
 - Employees may not create bookmarks or hotlists in web browsers which organize/index restricted information.

Site Disclaimer: The Seattle Police Department's website was developed to provide general information. Data contained at this location is generally not reviewed for legal sufficiency. SPD documents displayed are for reference purposes only. Their completeness or currency are not guaranteed. Links or references to other information or organizations are for reference only and do not constitute an endorsement.

ADA Notice

Notice of Nondiscrimination

Privacy

© Copyright 1995-2018 City of Seattle

Seattle Police Department Manual

Carmen Best, Chief of Police

5.001 - STANDARDS AND DUTIES

Effective Date: 03/01/18

5.001-POL

This policy provides the philosophy for employee conduct and professionalism. It is not the Department's intent to interfere with or constrain the freedoms, privacy, and liberties of employees; discipline will only be imposed where there is a connection between the conduct and the duties, rank, assignment, or responsibilities of the employee.

The Department expects all employees to treat all people with dignity; remember that community care-taking is at times the focus, not always command and control; and that the guiding principle is to treat everyone with respect and courtesy, guarding against employing an officious or overbearing attitude and refraining from language, demeanor, and actions that may cause the individual feeling belittled, ridiculed, or intimidated.

This section applies to all Department employees. The content is not all-inclusive. Employees must also comply with conduct expectations in other manual sections pertaining to them.

1. The Chief of Police Determines Employee Duty Status

The Chief of Police has final authority through the Charter of the City of Seattle to determine the on-duty status of any employee, and whether their actions are within the course and scope of their duties.

Completion of overtime or other Department forms by an employee does not establish the employee's duty status.

2. Employees Must Adhere to Laws, City Policy and Department Policy

Employees adhere to:

- Federal laws
- State laws
- Laws of the City of Seattle
- City of Seattle policies
- The Seattle Police Manual
- Published Directives and Special Orders
- Applicable collective bargaining agreements and relevant labor laws

3. Employees Use Training to Assist in Following Policy

Department training is intended to provide guidance on how to implement and follow policy.

Not following training, in itself, is not a policy violation.

Regardless of the result, an employee may need to explain, and possibly document, a substantial deviation from training

4. Employees Must Attend All Mandatory Training

Employees will attend mandatory training and follow the current curriculum during their duties.

Employees who have missed any mandatory training because of excused absences, such as a sick day or court appearance, will arrange through their immediate supervisor to complete that training within a reasonable time frame.

Employees on approved limited duty who cannot participate in a mandatory training program will request a waiver using SPD Memorandum (form 1.11), and an Insurer Activity Prescription Form (APF) through their chain of command.

Also See: 1.075-Failure to complete Required Training

5. Employees Complete Work in a Timely Manner

Absent exigent circumstances or supervisory approval, employees will complete all required duties and official reports before going off duty.

6. Employees May Use Discretion

Employees are authorized and expected to use discretion in a reasonable manner consistent with the mission of the Department and duties of their office and assignment.

Discretion is proportional to the severity of the crime or public safety issue being addressed.

7. Employees Engaged in Department-Related Activities Identify Themselves When Requested

Employees will provide their name and Department serial number verbally, or in writing if requested.

Employees may use a Department-issued business card that contains their name and serial number to satisfy the request for the information.

Employees will also show their department identification card and badge (sworn) when specifically requested to do so.

Exception: Employees are not required to immediately identify themselves if:

- An investigation is jeopardized
- A police function is hindered
- There is a safety consideration

8. On-Duty Officers in Civilian Attire Identify Themselves When Contacting Citizens

Officers will accomplish this verbally and/or by displaying their badge or Department-issued identification.

Exception: Employees are not required to immediately identify themselves if:

- An investigation is jeopardized
- A police function is hindered
- There is a safety consideration

9. Uniformed Employees Will Not Initiate Contact With Officers Dressed In Civilian Clothing

When any uniformed employee meets an officer dressed in civilian attire, that uniformed employee will not openly recognize the plain-clothes officer unless greeted first.

10. Employees Shall Strive to be Professional

Regardless of duty status, employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers. Employees will avoid unnecessary escalation of events even if those events do not end in reportable uses of force.

Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person.

Employees on duty or in uniform will not publicly ridicule:

- The Department or its policies
- Other Department employees
- Other law enforcement agencies
- The criminal justice system or police profession

This applies where such expression is defamatory, obscene, undermines the effectiveness of the Department, interferes with the maintenance of discipline, or is made with reckless disregard for truth.

11. Employees Shall Be Truthful and Complete in All Communication

Exception: Employees may use deception for a specific and lawful purpose in certain circumstances, when:

- There is an exigent threat to life safety or public safety
- It is necessary due to the nature of the employee's assignment
- There is a need to acquire information for a criminal investigation

12. Employees Must Promptly Report Exonerating Information

Employees must report any information they discover that may exonerate a person who is under investigation, or has been charged with or convicted of a crime.

13. Employees Shall Not Use Their Position or Authority for Personal Gain

14. Retaliation is prohibited

No employee will retaliate against any person who:

- Exercises a constitutional right
- Records an incident
- Makes a public disclosure request
- Publicly criticizes an SPD employee or the Department
- Initiates litigation

- Opposes any practice reasonably believed to be unlawful or in violation of Department policy
- Files a complaint or provides testimony or information related to a complaint of misconduct
- Provides testimony or information for any other administrative criminal or civil proceeding involving the Department or an officer
- Communicates intent to engage in the above-described activities
- Otherwise engages in lawful behavior

Retaliation includes discouragement, intimidation, coercion, or adverse action against any person. This prohibition will include any interference with the conduct of an administrative, civil, or criminal investigation.

Such retaliation may be a criminal act, may give rise to personal civil liability, or constitute independent grounds for discipline, up to and including termination.

15. Employees Obey any Lawful Order Issued by a Superior Officer

Failure to obey lawful orders from a superior officer constitutes insubordination. Orders may be issued directly, relayed through a subordinate employee or current Department training, published in notices, and other forms of communication.

16. Supervisors Clarify Conflicts in Orders

Should any orders conflict with a previous order, or published regulation, employees may respectfully bring this to the supervisor's attention.

The supervisor who issued the conflicting order will try to correct the conflict in orders.

17. Employees May Object to Orders Under Certain Conditions

An employee may object to a supervisor's orders under these conditions:

- When such orders represent unjustified, substantial and/or reckless disregard for life or safety
- When such orders are illegal or unethical
- When the supervisor has been relieved of duty by an employee of higher rank
- When other circumstances are present that establish the supervisor's inability to discharge the duties of the assignment

Employees in this situation will, if practical, state the basis for objecting to the order to the supervisor.

If the situation remains unresolved, the employee will immediately contact the next higher ranking supervisor in the chain of command.

18. Employees Must Avoid Conflicts of Interest

Employees will not associate with persons or organizations where such association reasonably gives the appearance of conflict of interest.

Employees will not engage in enforcement, investigative, or administrative functions that create or give the appearance of conflicts of interest.

Employees will not investigate events where they are involved. This also applies where any person with whom the employee has a personal relationship is involved in the event.

Except in cases of emergency, officers will not arrest family members, business associates, or social acquaintances.

Employees will not show preference by recommending or suggesting the employment of any attorney, bondsman, or other business during the course of, or because of, their official business as employees of the Department.

See also SMC 4.16-City Code of Ethics and 5.120 – Off-Duty Employment.

19. Employees Must Disclose Conflicts

Employees will immediately disclose to the Chief of Police, via their supervisor, any activities or relationships that may present an actual, potential, or apparent conflict of interest for themselves or other Department employees.

20. Employees Shall Not Use a Department Mailing Address for Personal Reasons

This provision includes using a Department address for a driver license, vehicle registration, telephone service, etc.

21. Employees Shall Not Imply to Another Agency the Department's Approval or Disapproval of That Agency's Actions

22. Employees Shall Not Recommend Case Dispositions to Courts

No employee below Assistant Chief will make any recommendations to any court or other judicial agency regarding the disposition of any pending court case investigated by the Department.

Exception: This does not apply to agencies conducting pre-sentence investigations.

23. Employees Notify the Department Before Initiating any Claim for Damages Related to Their Official Position

Employees must report their intention to initiate a claim for damages sustained while working in a law enforcement capacity or by virtue of employment with the Department. This notification is to the Chief of Police via the employee's chain of command.

24. Officers Report any Off-Duty Assault on Themselves Related to Department Employment

If an employee is assaulted while working off-duty in a law enforcement capacity, that employee must report the assault. The employee must then notify the Department before seeking a No Contact or Restraining Order related to the assault. This notification is to the Chief of Police via the employee's chain of command.

25. Employees Report Their Intent to Initiate Lawsuits or Seek Court Orders

Employees must report to the Chief of Police their intention to sue for damages sustained while working in a law enforcement capacity or by virtue of employment with the Department.

Sworn employees will notify their supervisor prior to applying for a No Contact or Restraining Order stemming from an assault on the employee that occurred while the employee was working in a law enforcement capacity.

26. Employees Follow the Americans With Disabilities Act (ADA) in the Performance of their Job

Employees interacting with persons with disabilities will take steps to provide needed accommodations to provide police services or achieve a law enforcement goal.

See: Commonly asked questions about the Americans with Disabilities Act and Law Enforcement, ADA.gov, City of Seattle ADA.

Site Disclaimer: The Seattle Police Department's website was developed to provide general information. Data contained at this location is generally not reviewed for legal sufficiency. SPD documents displayed are for reference purposes only. Their completeness or currency are not guaranteed. Links or references to other information or organizations are for reference only and do not constitute an endorsement.

ADA Notice

Notice of Nondiscrimination

Privacy

© Copyright 1995-2018 City of Seattle

Seattle Police Department Manual

Carmen Best, Chief of Police

5.002 - RESPONSIBILITIES OF EMPLOYEES CONCERNING ALLEGED POLICY VIOLATIONS

Effective Date: 07/15/18

5.002-POL

This policy applies to the reporting of alleged policy violations identified by the public, employees of the Department, or others and related investigations by the Department and OPA.

The purpose of this policy and the related procedures is to provide a prompt, just, and open disposition of allegations of policy violation regarding the conduct of employees.

1. The Department Will Accept Allegations of Policy Violations from Any Source and by Any Means

2. Employees Will Assist Any Person Who Wishes to File a Complaint

In addition to obligations that may arise under other parts of this manual (e.g., See 5.140-Bias-Free Policing-6, 7) employees will assist the complainant by taking the complaint and passing it on to a supervisor or OPA (see also 6 below.)

If the complainant requests information on where and how to file the allegation, the employee will provide it. However, the employee is still responsible for passing the complaint on to a supervisor or OPA.

If the employee is unable to take the complaint (e.g., the allegation is made during a demonstration while the employee is on a line, etc.), while not interfering or compromising public safety interests, the employee will provide specific information to the complainant on where and how to file the allegation.

3. Employees Shall Not Discourage, Interfere With, Hinder, or Obstruct Any Person from Filing a Complaint or Conducting or Cooperating with an Investigation of an Allegation of a Policy Violation

4. Retaliation Is Prohibited

No employee will retaliate against any person who:

- Exercises a constitutional right
- Records an incident, including videotaping and photographing
- Makes a public disclosure request
- Publicly criticizes an SPD employee or the Department
- Initiates litigation
- Opposes any practice reasonably believed to be unlawful or in a violation of Department policy

- Files a complaint or provides testimony or information related to an allegation of policy violations, including but not limited to complaints made OPA, Human Resources, or the EEO Investigator
- Provides testimony or information for any other administrative criminal or civil proceeding involving the Department or a Department employee
- Files a whistle-blower claim pursuant to Seattle Municipal Code
- Communicates an intent to engage in the above-described activities
- Otherwise engages in lawful behavior

Retaliation includes discouragement, intimidation, coercion, or undertaking any adverse action against any person because the person engaged in any of the activity set forth above. This prohibition specifically includes interference with any administrative, civil, or criminal investigation.

Retaliation may constitute independent grounds for discipline, up to and including termination.

5. Supervisors Will Investigate or Refer Allegations of Policy Violations Depending on the Severity of the Violation

a. All allegations of serious policy violations will be referred to OPA for investigation.

The following are serious policy violations that must be referred to OPA:

- Unnecessary, unreasonable, or disproportionate use of force
- Biased policing, including use of language that is derogatory based on an individual's sex, race, ethnicity, religion, homeless status, or other protected class.
 - **Exception:** Supervisors will not report an allegation of biased policing directly to OPA in those circumstances where a Bias Review Blue Team Entry is appropriate under 5.140-POL-6 and 5.140-POL-7.
 - See 5.140-Bias-Free Policing, sections 6 & 7.
- Any other violation of SPD policy that may violate a suspect/person's constitutional rights to freedom of speech, to the free exercise of religion, to peaceably assemble, to due process of law, and to be secure against unreasonable search and seizure
- Violations of law enforcement authority
- Failure to use ICV when required
- Failure to report serious policy violations to OPA
- Violations of any policy that are intentional or reckless
- Serious neglect of duty
- Insubordination
- Potential criminal violations of law
 - Failure to fully cooperate in an internal investigation
- Dishonesty

- Misuse of authority, conflicts of interest, or improper use of position for personal gain
- Repeated minor policy violations

b. If the severity of the violation is unclear, the lieutenant or civilian equivalent will consult OPA.

The level of seriousness of an alleged policy violation is sometimes contingent upon the specific facts of an incident. The Department recognizes that even some minor violations may raise concerns of public trust and warrant a referral to OPA. Employees should consider the totality of the circumstances when determining the level of seriousness of an alleged policy violation, apply common sense, and consult with an OPA lieutenant or above if uncertain.

c. Minor policy violations (allegations of policy violations that do not rise to the level of "serious") must still be investigated by the chain of command.

Supervisors who witness, have reason to believe, or receive an allegation of a minor policy violation are expected to address the violation as they deem appropriate.

Supervisors also have the discretion to refer allegations of even minor policy violations to OPA for investigation where they deem it appropriate.

Allegations of minor policy violations may include administrative, procedural, or technical violations of SPD policies that are unrelated to:

- (1) The use of force,
- (2) Exercise of law enforcement authority, and/or
- (3) The list of serious offenses outlined above or issues involving similarly serious potential violations.

Example of allegations of minor policy violations include, but are not limited to:

- Force reporting timeline violations
 - **Exception:** Willful violations of the force reporting timelines must be considered serious violations of policy and referred to OPA
- Failure to perform a system checks on ICV/BWV equipment that causes no failure to record officer actions
- Failure to seatbelt subjects who are being transported by an officer in a seatbelt equipped Department vehicle or during performing official duties where the detainee is not injured as the result of not being secured.
- Failure to identify tactical issues or document deficiencies in the use of force packet
- Failure to turn off the vehicle's AM/FM radio when the ICV is engaged
- Engaging in law enforcement related secondary employment without a valid secondary work permit on file with the Department
- Minor Rudeness (absent bias)
- Traffic and parking infractions
- Profanity not directed as an insult
- Employee tardiness

- Uniform, equipment, and personal appearance
- Failure to attend and/or complete required training (including mandatory e-Learning modules on Cornerstone) for which the employee is registered, unless the failure is:
 - Unjustified and/or
 - The employee fails to provide reasonable advance notice he or she will not attend a scheduled training(Supervisors may contact the Cornerstone lieutenant in ETS to research an employee's previous instances of missed training.)
- Failure of a supervisor to register employees for training, except when that failure results in the employees missing the opportunity to attend training

6. Employees Will Report Alleged Violations

Employees will report any alleged minor policy violation to a supervisor.

Employees will report any alleged serious violations to a supervisor or directly to OPA.

For sworn employees this reporting requirement also applies to allegations of uses of force not yet reported.

Employees who witness or learn of a violation of public trust or an allegation of a violation of public trust will take action to prevent aggravation of the incident or loss of evidence that could prove or disprove the allegation.

Any employee who observes another employee engaged in dangerous or criminal conduct or abuse will take reasonable action to intervene.

7. Employees Will Avoid Conflicts of Interest Regarding Allegations of Policy Violation

Employees' duty to avoid and disclose actual, potential, or apparent conflicts of interest (See 5.001- Standards and Duties) extends to the allegation process.

If a supervisor is the subject of an allegation of policy violation, the employee receiving the allegation will refer the allegation to the next highest level employee in the supervisor's chain of command.

If the subject of the allegation of policy violation is assigned to OPA, the employee receiving the report will forward the allegation to the OPA Director.

If the subject of the allegation of policy violation is the OPA Director, the allegation will be forwarded to the City Human Resources Director.

8. Employees Will Report Certain Events

Employees will report to their supervisor, in writing, as soon as practical (and before the start of their next work shift) any of these circumstances in any jurisdiction:

- They are the subject, or they believe they may be the subject of a criminal investigation, criminal traffic citation, arrest, or conviction
- They are the respondent of an order of protection, restraining order, no contact order, anti-harassment order
- Their Washington driver license is expired, suspended, revoked, or restricted, for example,

with an ignition interlock driver license

9. The OPA Manual Sets Forth OPA Procedures

10. OPA May Choose to Investigate Any Alleged Policy Violation

If a supervisor is informed that OPA is taking over an investigation, the supervisor will cease their investigation.

11. Employees Will Cooperate with Department Internal Investigations

Employees will truthfully answer all questions, render complete, comprehensive statements, and promptly provide all available material related to investigations of alleged policy violations. The statements will include all material facts and circumstances surrounding the subject matter of the investigation, which are known by the employee. Omissions of material facts known by the employee will be a failure to cooperate in an internal investigation.

12. OPA Maintains a Record of all Allegations Referred

All allegations of policy violations and any files related to these allegations will be secured within OPA offices for a period of time consistent with the Department's record retention policies.

5.002-TSK-1 Employee Reporting of Serious Policy Violations

When any employee is referring an allegation of serious policy violations to OPA, the employee:

1. **Provides** all of the following information to OPA, if possible:
 - The nature, date and place of occurrence of the alleged incident
 - Name of employee involved or their serial number and other description
 - Name, address, and telephone number of the complainant, aggrieved party, and all known witnesses
 - A detailed summary of the allegation
 - Information about perishable and other known evidence, including video recordings
 - Whether the investigation presents any actual, potential, or apparent conflicts of interest
2. **Assembles** any supporting documentation.
3. **Documents** the allegation on a Complaint Blue Team entry and forwards the entry to OPA via the chain of command.

Exception: If the employee named in the allegation is assigned to OPA, the allegation is sent directly to the OPA Director.

Exception: If the allegation involves the chain of command and the employee does not want it to be viewed by the chain of command, the employee may forward it directly to an OPA lieutenant.

Exception: If the allegation is an EEO complaint, the employee will refer to 5.040-PRO-1.

Site Disclaimer: The Seattle Police Department's website was developed to provide general information. Data contained at this location is generally not reviewed for legal sufficiency. SPD documents displayed are for reference purposes only. Their completeness or currency are not guaranteed. Links or references to other information or organizations are for reference only and do not constitute an endorsement.

ADA Notice

Notice of Nondiscrimination

Privacy

© Copyright 1995-2018 City of Seattle

Seattle Police Department Manual

Carmen Best, Chief of Police

6.060 - COLLECTION OF INFORMATION FOR LAW ENFORCEMENT PURPOSES

Effective Date: 5/19/2004

PHILOSOPHY

Information will be gathered and recorded in a manner that does not unreasonably infringe upon: individual rights, liberties, and freedoms guaranteed by the Constitution of the United States and the State of Washington, including freedom of speech, press, association, and assembly; liberty of conscience; the exercise of religion; the right to petition government for redress of grievances; and the right to privacy. Consistent with this policy, Department personnel shall comply with the dictates of the Investigations Ordinances and with the requirements of Department rules and regulations.

The Department will cooperate fully with the Investigations Ordinance auditor. The Auditor will be given total access to any and all files maintained by the Seattle Police Department except in the case of files or investigations which are specifically exempted from inspection by the Investigations Ordinances.

The Investigations Ordinance requires all Department personnel to safeguard the rights of persons involved in lawful political or religious activities and places restrictions on the documenting of certain types of information. While much of the Ordinances pertains to the activities of the Criminal Intelligence Section, the Ordinances is directed at the activities of the Department as a whole. Officers must keep the Ordinances in mind when writing reports. Any documentation of information concerning a person's sexual preferences or practices, or their political or religious activities must be for a relevant reason and serve a legitimate law enforcement purpose. Officers should also be aware of the Ordinances when photographing demonstrations or other lawful political activities. If demonstrators are not acting unlawfully, police can't photograph them. Periodic review of the Ordinances is worthwhile, as violations of the Ordinances could result in civil liability or disciplinary action, including discharge.

See SMC Chapter 14.12.

Site Disclaimer: The Seattle Police Department's website was developed to provide general information. Data contained at this location is generally not reviewed for legal sufficiency. SPD documents displayed are for reference purposes only. Their completeness or currency are not guaranteed. Links or references to other information or organizations are for reference only and do not constitute an endorsement.

ADA Notice

Notice of Nondiscrimination

Privacy

© Copyright 1995-2018 City of Seattle

Seattle Police Department Manual

Carmen Best, Chief of Police

12.040 - DEPARTMENT-OWNED COMPUTERS, DEVICES & SOFTWARE

Effective Date: 07/01/2018

12.040 - POL-1 General Policy

The Department follows the City's Information Systems Security Policy.

Employees using Department-owned devices or software will follow the City's security policy:

- Protect and never share access accounts, privileges, and associated passwords
- Maintain the confidentiality of sensitive information to which they are given access privileges
- Accept accountability for all activities associated with the use of their network accounts and related access privileges
- Ensure that use of City computers, email and other electronic communications (IM, etc.), Internet access, computer accounts, networks, and information stored, or used on any of these systems is restricted to authorized purposes and defined use limitations
- Maintain information security awareness.
- Report all suspected security and/or policy violations to an appropriate authority (e.g. manager, supervisor, system administrator or the Office of Information Security).

For this policy, the term device means any electronic equipment that has the capability to:

- Connect to the internet or department computer network and/or;
- Be used as a means of communication.

Exception: This policy does not apply to devices being used while conducting undercover operations. Employees will refer to their unit guidelines when using undercover devices.

12.040 - POL-2-Protecting Department Hardware, Software and Computer Systems

The City's Information Technology Department (ITD) ensures the security of computer systems and software. ITD will audit and monitor the use of the equipment and access to information.

1. Only Authorized Users Operating Authorized Devices May Access the Seattle Police Department's Computer Network

Employees will access the SPD network only with devices authorized by ITD.

- This requirement includes devices used by other agencies assisting SPD or vendors working with ITD.

2. ITD Controls Department-Owned Software

ITD will review and evaluate purchases of computer and device software. ITD will approve or reject the purchase of software based on internal policies and the City's ITD guidelines.

ITD will maintain the software licenses for Department-owned software.

3. ITD Monitors Software Use on Department Devices

ITD will audit the software used on Department computers and will remove unauthorized software.

4. Employees Will Not Violate the License Agreement of Department Software

Employees will not copy Department-owned software or install the software on any other computer.

5. Employees Will Not Install or Download Non-Department- Owned Software, Applications or Programs on Department Devices

6. With Approval from their Lieutenant/Civilian Equivalent or Above, Employees May Request New Applications and Software (including free technologies) by Completing the SPD Change or Enhancement Intake Request Form

This form is required for all requests to change any kind of IT system.

This includes, but is not limited to changes in hardware, network connections, addition or removal of applications, and additions or changes in application configurations, data elements, check lists, and drop down lists

The link to this form can be found below See 12.040-TSK-1 Submitting a Request for Change or Enhancement Intake Request

- Non-Department-owned software cannot interfere with the operation of any Department-owned software or hardware.

- The unit assigned the software will maintain the license agreement. A copy of the license agreement is sent to ITD by the unit.

7. Employees Will Report Malfunctions of IT, Systems or Software By Calling the Seattle ITD Service Desk at 4-HELP to Complete a HEAT Ticket

Seattle ITD (previously known as DoIT help desk) is available M-F, 8-5 for routine desktop equipment or software related issues. Seattle ITD can be reached via telephone at 4-HELP or 386-4011, or via e-mail at 4-Help@seattle.gov.

After hours assistance can also be requested via 4-HELP or 386-4011. After hours requests are handled by the on duty Seattle ITD personnel.

Seattle ITD assistance via SPD Radio is also available 24/7 via Zone 2 / ITS. This resource is for in-car equipment issues related to the VMDT. Assistance is also provided to patrol officers that need a password reset to complete their patrol related tasks.

8. Employees Will Not Use Unauthorized Encryption Tools on a Department Computer or Device

9. Employees Will Not Password-Protect a Work File or Hard Drive

Exception: A lieutenant or above may authorize an employee to password-protect a file or drive based on an investigative or operational need.

Exception: This does not apply to Department-required passwords for Department computers, programs or devices.

12.040 - POL-3-Using Department Devices

1. Employees Have No Expectation of Privacy When Using a Department Device

The Department has the right to review all records related to department devices including, but not limited to phone logs, text messages, photographs, email and internet usage.

2. Employees Use Devices in a Professional Manner

Employees will use Department devices to communicate in a professional, appropriate, and lawful manner both on and off-duty.

Employees are accountable for all transmissions made on department devices.

3. Personal Use of Department-Provided Devices Must Follow Department Guidelines

The Department allows limited, reasonable, personal use of Department devices with the knowledge that all use of Department devices may be monitored and subject to public disclosure.

Personal use of Department devices must not:

- Be illegal,
 - Incur a cost to the City,
 - Interfere with work responsibilities,
 - Disrupt the workplace,
 - Store unlicensed, copyrighted materials on any City-owned technology,
 - Create a device-to-device connection between Non-City owned Technology and City-owned Technology,
 - Comprise commercial or solicitation activities,
- Or,
- Cause an embarrassment to the Department.

The Department may monitor and review all use of Department devices.

4. Department Devices Equipped with the VMobile Application Must Be Password Protected

Any use of the VMobile application must comply with Manual Section 12.050 - Criminal Justice Information Systems.

5. Employees Will Report Lost or Stolen Department Devices

In the event of a lost or stolen Department-issued device, the employee assigned the device must comply with 9.030-PRO-1 Reporting Destroyed, Lost, or Stolen Equipment.

6. Employees Will Not Access the VMobile Application in an Off-Duty, Unofficial Department Capacity

Off-duty use must comply with Manual Section 12.050 - Criminal Justice Information Systems.

7. The Act of Carrying a Department Device While Off-Duty Does Not, In Itself, Constitute Overtime

Overtime expectations vary by assignment. Supervisors will clarify their expectations for any off-duty use of Department devices. Unless an employee has been explicitly ordered by a supervisor to be available, check emails, or conduct other department business outside of normal shift hours, they are not expected or encouraged to do so.

See Manual Section 4.020-Reporting and Recording Overtime/Out-of-classification Pay

8. The Fiscal Unit Assists Employees with Cellular Phones

Employees making a request for a new or replacement cell phone will submit a 1.5 through their chain of command. Once approved, the Fiscal Unit will order the new phone and service.

9. The Department Telephone Coordinator Assists Employees with Desktop (Land-Line) Phones

Employees may contact the Telephone Coordinator at spd_telephone_coord@seattle.gov. The Telephone Coordinator can assist employees in the acquisition of phones and moving phone numbers to new locations.

Section Captain or civilian equivalent will approve the acquisition or moving of desk phones.

10. Employees Will Not Use Department Devices Internationally Without the Approval of a Captain/Civilian Equivalent or Above

After captain or civilian equivalent approval, employees will contact ITD to upgrade their device plan for international use.

International travel with a Department device may incur roaming charges to the Department.

11. Employees Will Comply with All Department Public Disclosure Requests

See Manual Section 12.080 Department Records Access, Inspection and Dissemination.

12. When Receiving a Public Disclosure Request or Subpoena, Employees Must Retain All Requested Content

Employees will not delete requested items after receiving a public disclosure request or subpoena.

Department personnel may review content of any messages or photos contained on the device to make informed disclosure decisions.

13. Employees Will Retain Public Records According to the City Records Management Program

This includes, but is not limited to text messages and photographs.

Employees seeking long-term retention may elect to transfer the content from the device to an appropriate Department network or system.

14. Employees Will Hold and Preserve All Public Records Relating to Litigation or Anticipated Litigation

Employees will hold and preserve all requested records until the City Attorney's Office releases the legal hold.

Employees will retain all records, including transitory records, responsive to a pending public records request until the Department's response to the request has been completed.

15. Employees Acknowledge that Public Disclosure Laws Apply to Personally Owned Devices Used for Department Business

Employees using their personally-owned devices for official Department business and correspondence do so with the knowledge of this admonishment.

The Department prefers employees use Department-provided devices for Department-related matters.

Employees may request that their supervisor provide a Department-owned phone to make phone calls for official business.

16. The Department May Request Employees Review Their Own Personal Devices in Compliance with Public Disclosure Requests

The employee may be required to sign a declaration demonstrating the adequacy of the search of a personal cellphone or device regardless of whether the search resulted in responsive records.

Employees with questions regarding public disclosure may contact the Legal Unit.

17. Employees Will Not Charge Personally Owned Devices in Department USB Ports

Vehicle USB ports and USB ports that connect to a device may retain data from a personally owned device when plugged in.

Employees may use wall outlets or vehicle 12-volt DC sockets to charge personal devices.

12.040-TSK-1 Employees Submitting a Request for Change or Enhancement Intake Request

1. **Requests** approval for change via their chain of command to the level of Lieutenant/civilian equivalent or above
2. **Receives** approval for the request via their chain of command
3. **Clicks [here](#)** to complete an SPD Change or Enhancement Intake Form
4. **Completes** the fillable PDF form
5. **Clicks the "Click to Submit Form" button** on the request form PDF. An outlook email will automatically open.
6. **Selects** Default email application (Microsoft Outlook)
7. **Clicks Continue**

When the Outlook email opens, it auto-populates the email recipient as SPD_ChangeRequest@Seattle.gov. It will also automatically attach your completed PDF change request and auto-populate the subject line as "Form Returned: SPD_ChangeRequest.pdf"

8. **CCs** their approving chain of command within the email request and **clicks send** to forward your email change request to ChangeRequest@Seattle.gov.

Site Disclaimer: The Seattle Police Department's website was developed to provide general information. Data contained at this location is generally not reviewed for legal sufficiency. SPD documents displayed are for reference purposes only. Their completeness or currency are not guaranteed. Links or references to other information or organizations are for reference only and do not constitute an endorsement.

ADA Notice

Notice of Nondiscrimination

Privacy

© Copyright 1995-2018 City of Seattle

Seattle Police Department Manual

Carmen Best, Chief of Police

12.050 - CRIMINAL JUSTICE INFORMATION SYSTEMS

Effective Date: 05/01/2017

Criminal Justice Information Services Security Policy

WSP ACCESS/WACIC/NCIC/User Acknowledgement

1. Definitions

Criminal History Record Information: Information contained in records collected by criminal justice agencies, other than courts, on individuals, consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal criminal charges, and any disposition arising there from, including sentences, correctional supervision, and release. The term includes information contained in records maintained by or obtained from criminal justice agencies, other than courts, which records provide individual identification of a person together with any portion of the individual's record of involvement in the criminal justice system as an alleged or convicted offender, except:

- Posters, announcements, or lists for identifying or apprehending fugitives or wanted persons,
- Original records of entry maintained by criminal justice agencies to the extent that such records are compiled and maintained chronologically and are accessible only on a chronological basis,
- Court indices and records of public judicial proceedings, court decisions, and opinions, and information disclosed during public judicial proceedings, and
- Records of traffic violations that are not punishable by a maximum term of imprisonment of more than ninety days.

For the purposes of this policy, the RideAlong Response application is considered a criminal justice record system that contains criminal history record information.

Dissemination: Disclosing criminal history record information, or the absence of criminal history record information, to any person or agency outside the agency possessing the information, subject to the following exceptions:

- Agencies participating in a single (joint) record-keeping department,
- Furnishing information to process a matter through the criminal justice system (information to a prosecutor), and
- Reporting events to a record-keeping agency.

NCIC III: The National Crime Information Center Interstate Identification Index, managed by the FBI and state law enforcement agencies. The NCIC Advisory Policy Board has established a set of standards and goals that the FBI and state agencies enforce. The information contained in the NCIC includes all records collected by criminal justice agencies on individuals including identifiable descriptions, notations of arrests, detentions, indictments, formal criminal charges, dispositions, sentences, correctional supervision, and release. Federal, state and local laws and regulations dictate that this information is to

be accessed and used only by authorized individuals within a criminal justice agency, that this information is to be used for criminal justice reasons, that this information is to be kept confidential, and that this information is to be stored in a secure location.

- Employees must be working for the Seattle Police Department in an on-duty or extra-duty capacity and investigating a criminal offense.
- Employees shall not run names or make inquiries through NCIC III, or any other criminal record system while working for an off-duty employer or on behalf of an off-duty employer.

2. Inquiries Through ACCESS, or Any Other Criminal Justice Record System, Are Only to Be Made for Legitimate Law Enforcement Purposes

This includes, but is not limited to, inquiries made to DOL, DOC, WACIC, WASIS, NCIC III, LInX, and any inquiries processed through NLETS to other states. Inquiries made for personal use, or inappropriate use or dissemination of the information, can result in internal discipline, as well as penalties under Federal and State law.

3. All Employees Who Use Terminals That Have Access to Information in WACIC/NCIC Files Must Be Certified

After initial certification, employees shall take a recertification test every two years.

- For inquiries only, employees shall attain Level I certification.
- If employees make data entries into the system, they shall attain Level II certification.

4. SPD Must Remain in Compliance With the ACCESS/WACIC/NCIC User Acknowledgement or Risk Termination of One or More of the Services Provided

The ACCESS/WACIC/NCIC User Acknowledgement is the formal agreement between WSP and SPD. This document acknowledges the standards established in the FBI's Criminal Justice Information Service Security Policy. The standards require accuracy, completeness, timeliness, and security in the dissemination and recording of information.

5. Data Center Manager is the Technical Agency Coordinator

The Department must designate a Technical Agency Coordinator (TAC) to act as the point of contact for the WSP and the Federal Bureau of Investigation (FBI). The individual designated to function as a TAC will be responsible to ensure compliance with state and National Crime Information Center (NCIC) policies and regulations. The TAC must maintain a Level II training certification and attend TAC training once every three years. Additionally, the TAC shall participate in and ensure that all appropriate records be available during the triennial audit conducted by the ACCESS audit staff. Responsibility for proper operator performance, strict adherence to regulations, prompt notification of CJIS violations to the ACCESS Section, and subsequent training rests with the TAC. The SPD TAC is the Data Center Manager.

6. All Employees Shall Adhere to WASIS and NCIC Policies

Use of WASIS (Washington State Identification System and Criminal History Section) and NCIC Interstate Identification Index (NCIC III) is regulated by the FBI and WSP in accordance with the 28 CFR Part 20, WAC 446-20-260, and RCW Chapter 10.97. Improper use of the system may result in severe penalties to the Department and the individual user.

All employees shall adhere to the following WASIS and NCIC policies:

1. Any information obtained through these systems shall not be disseminated to anyone outside the Department, except to a prosecutor. If necessary, officers may confirm to a criminal justice agency the WASIS or FBI number, if it is known.
 - a. Examples of agencies and/or organizations to whom we cannot release criminal history information include, DSHS, Passport Agencies, CPS, Adult Protective Services, Crimestoppers, victims, and witnesses.
 - b. Inquiries for criminal history information from outside agencies, organizations, and individuals should be referred to Washington State Patrol.
2. Inquiries into these systems shall not be made in response to a request by another criminal justice agency or by any retired employees, including those holding any extended authority, special police commission, or similar police commission.
3. The Department of Justice Criminal Justice Information System (CJIS) restricts the use of all criminal-related data bases to official investigations when conducted while working for a criminal justice organization. As a result, no employee shall run names or make inquiries through ACCESS, WACIC, WASIS, NCIC III, LInX, or any other criminal record system while working for an off-duty employer or on behalf of an off-duty employer.
4. All NCIC III queries made through Versadex are stored in the system. A program has been developed to create an automated user log from that data.
5. This log is audited by the Washington State Patrol, the FBI, and the Compliance Section, and shall be available for inspection by any of the agencies at any time. The following procedures must be followed when accessing the Criminal History Database:
 - a. All NCIC III queries should be made using Transaction Code CQCH – Common Query Criminal History
 - b. The Purpose Code box must be filled in with 1 of the 2 authorized Purpose Codes that appear in the pull-down. The query will not go through if the box is left blank. The only authorized Purpose Codes are:
 - C** - Criminal Justice purposes as well as authorized uses in relation to the security of the criminal justice facility including, vendors/contractors who are not involved with administration of criminal justice; e.g. janitors, maintenance personnel, visitors, etc.
 - J** – Criminal Justice employment/applicants and re-background requirement for criminal justice agency personnel as well as vendors, contractors, volunteers, and interns, who are involved with the administration of criminal justice for the agency.
 - c. The Reason field must be filled in with a specific criminal justice reason. The general offense number should always be listed in the reason field if available. If a general offense number has not been generated the specific criminal justice reason must be listed in the reason field such as theft, narcotics, homicide, missing person, or criminal justice applicant. Listing terms such as investigation, arrest, criminal history, or employment in the reason field are not valid. Listing abbreviations of any kind in the reason field is not authorized unless the abbreviation has been approved and is on file with the department TAC.

6. An automated user log for all queries made using the Omnixx system is maintained by the Washington State Patrol. Data Center and Public Request Unit Personnel may request access to this log via the "Request for Off-Line Search." The following information must be included in the Attention Field (ATN) when making a criminal history inquiry using Omnixx:

- a. Requestor's SPD serial number.
- b. Specific criminal justice reason such as theft, narcotics, homicide, or general offense number.
- c. Examples:
 - ATN/4000 WP Entry
 - ATN/4000 Burglary
 - ATN/4000 14-16735
- d. Use of abbreviations is acceptable but must be on file and approved by the Department TAC.
- e. The proper purpose code must be used for all inquiries.

7. The NCIC III system is to only be used by personnel involved in criminal investigations, and background investigations. As of 2/11/15, a NICS check will be required for firearms returns. The Public Request Unit is the only unit authorized to complete NICS checks.

8. MDCs and PDTs (mobile and portable data computers/terminals) are not authorized to access NCIC III information because the terminals are unable to comply with NCIC audit requirements.

9. It is important to enter inquiries to the Criminal History Records system properly. The following information must be accurate and complete on the inquiry mask:

- a. The "Purpose Code" must be entered correctly, "C", for criminal investigation, or another appropriate code. See NCIC manual for details.
- b. The "Requestor Full Name/Serial" must contain the name and SPD serial number of the person making the inquiry. It is not acceptable to use "Det", "Off", or the "unit title" in this field.

7. Employees Shall Not Discuss or Provide Information to Any Person Who Is Not a Member of the Criminal Justice System Without the Permission of the Chief of Police, or By Due Process of Law

The Washington State Criminal Records Privacy Act (RCW 10.97) provides for the completeness, accuracy, confidentiality, and security of criminal history record information, as well as victim, witness, and complainant record information. Employees shall not discuss or provide information to any person who is not a member of the criminal justice system (prosecuting attorney, court, etc.) without the permission of the Chief of Police, or by due process of law. Violations may lead to criminal sanctions.

8. Criminal Records Releases Are Restricted

Requests for information shall be referred to the appropriate section.

- Criminal history record information dissemination to individuals, agencies, or groups outside the Department shall be administered by the Records File Unit and Data Center Unit.
- Juvenile record information dissemination to individuals, agencies, or groups outside the Department shall be administered by the Records File Unit.

Printouts of criminal history record information from the Department's computerized and manual files are prohibited except when:

- Required for a detective investigative file
- Required by a prosecuting attorney
- Required by agencies or individuals authorized by the Records, Evidence and Identification Section access procedures
- Required in a mutual criminal investigation with a court or government agency authorized by the Washington State Patrol to receive criminal history record information
 - The Records File Unit and Data Center Unit shall maintain a current list of agencies so authorized.
- Authorized by a watch, section, or unit supervisor as required for an investigation or in an emergency

When releasing criminal history information to a prosecutor the release tracking function in Versadex should always be used to indicate release to either King County Prosecutor's Office or the City Law Department. The release tracking serves as the automated secondary dissemination log.

In authorized instances when criminal history is secondarily disseminated to any agency or person the following information relating to secondary dissemination of criminal history record information shall be maintained by the appropriate section in the form of a manual log and will include the following:

- An indication of to whom (agency or person) criminal history information was released,
- The date of release, and
- A brief description of the information released

The disposal of printouts from computer terminals shall be by destruction.

9. Individuals Have the Right to Inspect and Review Their Criminal History Record Information Maintained By the Department

A copy of the Department Operating Instruction titled, "Inspection and Review of Criminal History Record Information" and "Challenge and Deletion of Criminal History Record Information" shall be maintained at locations where the public can make inquiries concerning Department procedures.

An individual's right to access and review of their criminal history record information shall not extend to data contained in intelligence, investigative, or other related files and shall not be construed to include any information other than that defined as Criminal History Record Information by RCW 10.97.030.

In order to inspect, review, or challenge and have deleted criminal history record information, the individual must appear in person at the 1st floor of the Police Headquarters Building 610 Fifth Avenue, Monday through Thursday (excluding holidays) between the hours of 8:00 a.m. and 4:30 p.m., and make a request in writing on the forms provided.

- Employees are responsible for directing individuals to the Records File Unit in order to facilitate review of their criminal history record information.

An individual will be provided an opportunity, following review of the criminal history record information collected, stored, and maintained by the Department, to challenge the accuracy and completeness of the data and request deletion of certain non-conviction arrests.

If the challenge is rejected, the individual has a right to appeal the decision to the Office of the Chief of Police.

It shall be the duty of the Records File Unit manager and supervisors to administer the rules pertaining to an individual's right to review their criminal history record information, concurrent with the aforementioned laws, regulations, and ordinances.

10. All SPD Personnel Must Have a Background Re-Investigation Every Five Years

To complete this compliance measure the Department must:

- Run a criminal history inquiry using purpose code "J". Use "Criminal Justice Re-background" as a reason. Log the date and SID# of the employee. Do not retain rap sheet information.
 - If there are felony findings within the employee's rap sheet they will be denied continued use and certification with ACCESS. The TAC must notify the WSP Information Security Officer of any findings.
 - If there are charges pending a disposition, the TAC must notify the WSP Information Security Officer (ISO).
 - If there are misdemeanor findings the TAC shall notify the WSP Information Security Officer. The Seattle Police Department will ultimately decide whether to limit ACCESS.
 - Keep a log of all personnel SID numbers and the date of the background re-investigation for future ACCESS audits.

11. SPD Must Comply With ACCESS/NCIC Security Requirements

All upper management and administrators/managers who are not ACCESS-certified but oversee certified ACCESS users must review the Upper Management and Administrator Overview Training. Upon review of the training, they must sign the Upper Management and Administrator Log. There is no requirement to reaffirm this training.

All employees must complete the Security Awareness Training within six months of initial hire. Any employee not Level I or Level II-certified must review the Security Awareness Training every two years.

Maintaining security of the terminal sites and information received is the responsibility of agency personnel operating the terminal, the TAC, and the agency head. Terminal locations must be secure from authorized access, and all employees authorized to use the system shall be instructed on the proper use of equipment and the dissemination of information received. Federal and state laws protect the information provided by ACCESS.

Violations of the rules, regulations, policies, or procedures developed by FBI and adopted by the WSP or any other misuse or abuse of the ACCESS system may result in agency disciplinary measures and/or criminal prosecution. Disciplinary measures imposed by the WSP may include revocation of individual certification, discontinuance of system access to the department, or purging the department's records.

Any misuse of the NCIC III system must be reported to the TAC (Data Center Manager) immediately. The TAC shall report the misuse to the Washington State Patrol and the FBI. The violator's chain of command will be notified of the misuse.

12. The Captain of the Compliance Section Will Assign Personnel to Conduct Regular Audits of the Department's Criminal History Records Inquiries

The Department audits will be completed biannually and the results of these audits will be reported to

the Chief Operating Officer.

The audit will look for any violations of the CJIS Security Policy, The WSP User Acknowledgement, and Department Policy. Violations include but are not limited to:

- Queries made for personal reasons
- Reason Field errors, such as using general terms such as investigation, arrest, warrant, criminal history
 - The Reason Field must contain a specific crime such as murder, assault, burglary.

Any users who are in violation of any or all of the above will have their access to the Criminal History system shut off. Access will be denied until they have attended a remedial class for making Criminal History inquiries.

- An e-mail will be sent to the employee and their immediate supervisor from the Compliance Section Captain that their access to the Criminal History system has been denied.
- The e-mail will contain information about the remedial classes that they must take in order to regain access.
- A copy of the e-mail will be sent to the Data Center Manager/TAC for implementation.

Site Disclaimer: The Seattle Police Department's website was developed to provide general information. Data contained at this location is generally not reviewed for legal sufficiency. SPD documents displayed are for reference purposes only. Their completeness or currency are not guaranteed. Links or references to other information or organizations are for reference only and do not constitute an endorsement.

ADA Notice

Notice of Nondiscrimination

Privacy

© Copyright 1995-2018 City of Seattle

Seattle Police Department Manual

Carmen Best, Chief of Police

12.055 - CRIMINAL JUSTICE RESEARCH

Effective Date: 8/15/2012

12.055–POL

This policy pertains to the Department's facilitation of research.

1. The Department Encourages Criminal Justice Research and will Facilitate Research as Allowed by Law and Available Resources

The Department may permit researchers to have direct access to police files and/or personnel under properly executed research and confidentiality agreements.

- The Chief of Staff will have final approval over outside research requests.
- A written Research Agreement is required for the release of any Department data for research, evaluative or statistical purposes.
- Research requests for criminal history shall comply with WAC 446-20-420.

2. Agencies, Institutions and Individuals Desiring the Use of Police Records for Research will Use the Seattle Police Department Research Request Instructions as a Guide to Complete a Request

[Click here for instructions.](#)

3. The Compliance Section will Receive and Vet all Outside Research Requests

See 12.055–PRO–1 Vetting Process for Outside Research Requests

The following questions will be considered when requests are analyzed:

- Is the information requested available?
- What is the estimated cost to complete the request?
- Personnel time
- File research
- Copying
- Can the additional workload required to complete the request be absorbed at the time it is requested?
- How will the completed research project be beneficial to the Department or to the criminal justice system?
- Are there privacy issues?
- Does the request comply with RCW 13.50.010?

4. Costs Shall be Forwarded to the Fiscal Section for Billing and Reimbursement

5. Department Employees are Encouraged to Submit Their Own Ideas for Research Topics

See 12.055–PRO–2 Receiving Internal Ideas for Research Topics

The Compliance Section Captain will maintain a list of research topics for assignment within the SPD-University of Washington Research Consortium.

6. The Compliance Section will Review Results of Completed Research and Determine if There is a Practical Application to Department Operations

12.055–PRO–1 Vetting Process for Outside Research Requests

Compliance Section Captain

1. **Receives** outside research request

Assigned Compliance Section Staff:

2. **Reviews** request
3. **Prepares** recommendation on how to proceed
4. **Shares** recommendation with work group (Compliance Section Sergeant, legal advisors, Records Manager, and Grants and Contracts Manager).

Work Group

5. **Reviews** the recommendation

Assigned Compliance Section Staff

6. **Schedules** a meeting with the work group and the Compliance Section Captain
 - a. The chief or captain of the Bureau or Section which will benefit from, or be affected by, the research project may also be included.

Compliance Section Captain

7. **Determines** whether Compliance Section will endorse the request
 - a. If Compliance Section will not endorse, then advises the work group
 - b. If Compliance Section will endorse, then forwards the request to the Chief of Staff

Chief of Staff

8. **Determines** whether SPD will endorse the request
 - a. If SPD will endorse, signs research agreement on behalf of the Department

Assigned Compliance Section Staff

9. **Advises** requester of the Department's decision via formal letter

12.055–PRO–2 Receiving Internal Ideas for Research Topics

Any SPD employee

1. **Develops** an idea for a research topic
2. **Submits** an e-mail to the Compliance Section, with the subject line: Research Topic

Assigned Compliance Section Staff

3. **Reviews** the memo
4. **Develops** a specific research topic
5. **Follows-up** with the employee
 - a. **Verifies** that his research topic is consistent with the employee's intent
6. **Submits** research topic to Compliance Section Captain

Compliance Section Captain

7. **Maintains** file of research topics

Site Disclaimer: The Seattle Police Department's website was developed to provide general information. Data contained at this location is generally not reviewed for legal sufficiency. SPD documents displayed are for reference purposes only. Their completeness or currency are not guaranteed. Links or references to other information or organizations are for reference only and do not constitute an endorsement.

ADA Notice**Notice of Nondiscrimination****Privacy**

© Copyright 1995-2018 City of Seattle

Seattle Police Department Manual

Carmen Best, Chief of Police

12.080 - DEPARTMENT RECORDS ACCESS, INSPECTION & DISSEMINATION

Effective Date: 11/20/2013

12.080-POL

This policy applies to access, inspection and dissemination of Department records.

1. All Records are Subject to Public Disclosure Unless a Specific Legal Exemption Exists

Per RCW 42.56.070, the Department must make all public records available to a requester, unless the record falls within the specific exemptions in the Public Records Act (PRA) or other statute which exempts or prohibits disclosure of specific information or records.

2. Public Records are Available for Release to the Maximum Extent Allowed by Law

A public record is any writing containing information relating to the conduct of the Department or the performance of any governmental or proprietary function prepared, owned, used, or retained by the Department, regardless of physical form or characteristics.

- Public records may include records received or created that relate to the conduct of the Department or the performance of any governmental or proprietary function and are prepared, owned, used, or retained by the Department.
- The Department frequently receives records from outside agencies. Any and all records that are in the Department's possession are Department records for the purposes of PRA.
- Writing means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

Under RCW 42.56 Public Records Act (PRA) as interpreted by Washington courts, all Department records must be identified to the public, so long as the records are not part of an open and active investigation.

Exception: Department records that fall under a specific exemption within the PRA or other statute are not required to be identified to the public. Specific exemptions include, but are not limited to, public safety considerations and privacy concerns.

- The Department cannot withhold an entire record because portions of it fall under an exemption. The Department shall redact exempted information and release the record with an explanation for any redactions.

3. All Records That Relate to a Public Disclosure Request (PDR) Must Be Provided or Identified to the Public Disclosure Unit (PDU)

If an employee withholds known records that relate to a PDR, he or she may be subject to civil liability and/or Department discipline.

- Employees are advised to contact PDU (684-4848 or spdpdr@seattle.gov) when they are uncertain as to whether documents that they have constitute records that relate to a PDR.

4. Officers/Detectives Must Ask Victims, Witnesses and Complainants if They Want Their Identifying Information Disclosed or Not Disclosed

When gathering information at the time of reporting, officers and detectives must ask victims, witnesses and complainants if they want their identifying information disclosed or not disclosed. This decision supersedes any disclosure requests made by another person.

- When a victim, witness or complainant is unable to discuss disclosure due to incapacity, the reporting officer shall:
- Document the incapacity in the entity portion of the General Offense Report, and
- Document any specific evidence that disclosure of the identity of the victim, witness or complainant would threaten life, safety or property.

5. PDU Responds to PDRs

The Public Disclosure Unit (PDU) handles all public disclosure requests (PDRs) in accordance with the Public Records Act (PRA). See 12.080-PRO-1 Handling Public Disclosure Requests.

- Any Department employee who receives a PDR, or any request that appears to be a PDR, shall immediately forward it to spdpdr@seattle.gov.
- The request does not have to cite the PRA.

There are four options for member of the public to submit PDRs:

- E-mail: spdpdr@seattle.gov (preferred method)
- Mail: SPD PDU; PO Box 34986; 610 5th Ave; Seattle, WA 98124-4986
- Fax: (206) 684-5240
- In-person at the public counter at SPD Headquarters, 610 5th Ave.

6. Public Request Unit (PRU) Responds to Certain Requests

The PRU handles the following:

- Requests for police reports
- Requests for clearance letters
- Fingerprinting and criminal background checks on applicants for concealed pistol licenses
- Fingerprinting criminal justice applicants
- Fingerprinting citizens for general purposes
- Processing applications for transferring ownership of handguns
- Electronically redacting police reports for release to the SPD My Neighborhood Map website

7. Crime Records Unit (CRU) Responds to Certain Requests

The CRU receives and records all incoming requests for General Offense Reports from other City departments and from other law enforcement agencies, as well as from insurance companies.

8. The Public Disclosure Request Steering Committee Resolves Complex PDR

The PDR Steering Committee, which meets each Monday, is comprised of the Chief Administrative Officer, PDU Manager and staff, Records Manager, SPD Legal Advisor, Compliance Section Captain or designee, and one or more representatives of the Seattle Law Department.

See 12.080-PRO-1 Handling Public Disclosure Requests.

12.080-PRO-1 Handling Public Disclosure Requests

PDU

1. **Receives** PDR
2. **Contacts** relevant units or specific employees to **request** records and **provides** a due date

Relevant Unit/Employee

3. **Gathers** all relevant records and **contacts** PDU with any questions
 - a. If an employee believes that some or all of the information in the record(s) is protected from public disclosure, **provides** the record(s) to the PDU, with a memo stating what should be protected and why
 - b. Whether the record(s) at issue is protected from public disclosure shall be discussed at the next meeting of the PDR Steering Committee
- Absent conflicting advice from the Law Department and the SPD Legal Advisor, the Chief Administrative Officer shall determine whether record(s) will be disclosed wholly or in part, and whether any exemptions apply.
- When there is conflicting advice from legal counsel, the issue shall be elevated to the Chief of Staff and the Law Department's Chief of the Civil Division for resolution.
4. **Provides** records to PDU by the due date

PDU

5. **Collects** records and **makes** any and all necessary redactions
6. **Provides** records to the requestor

Site Disclaimer: The Seattle Police Department's website was developed to provide general information. Data contained at this location is generally not reviewed for legal sufficiency. SPD documents displayed are for reference purposes only. Their completeness or currency are not guaranteed. Links or references to other information or organizations are for reference only and do not constitute an endorsement.

ADA Notice

Notice of Nondiscrimination

Privacy

© Copyright 1995-2018 City of Seattle

Seattle Police Department Manual

Carmen Best, Chief of Police

12.111 - USE OF CLOUD STORAGE SERVICES

Effective Date: 03/01/17

12.111-POL

The Seattle Police Department receives information from the FBI's Criminal Justice Information Service (CJIS) and must comply with the CJIS security policy and the rules governing the access, use, and dissemination of CJIS information found in Title 28, Part 20, CFR

SPD employees deal with CJIS data as part of daily Department business. This policy applies to employee use of cloud storage services as a whole and as it specifically relates to CJIS data.

1. Definitions

Cloud storage services are electronic, external storage locations where information can be deposited for shared use. Examples include OneDrive, DropBox, Google Drive, iCloud, etc.

Criminal Justice Information (CJI) is the term used to refer to all of the FBI provided data necessary for law enforcement and civil agencies to perform their missions including, but not limited to biometric, identity history, biographic, property, and case/incident history data.

Personally Identifiable Information (PII) a subset of CJI, is information which can be used to distinguish or trace an individual's identity, such as name, social security number, biometric records, date and place of birth, or mother's maiden name.

Criminal History Record Information (CHRI), sometimes informally referred to as "restricted data", is also subset of CJI.

Restricted Files are hosted by the National Crime Information Center (NCIC) and are treated as CHRI. Restricted Files include the following:

- Gang Files
- Known or Appropriately Suspected Terrorist Files
- Supervised Release Files
- National Sex Offender Registry Files
- Historical Protection Order Files of the NCIC
- Identity Theft Files
- Protective Interest Files
- Person With Information (PWI) data in the Missing Person Files
- Violent Person File
- NICS Denied Transactions File

2. Employees May Only Store, Edit, and Share City Files on Cloud Storage Services Provided By the Department or the City

Employees may store, edit, and share files on city-provided cloud storage such as Microsoft Office 365's OneDrive.

Employees will not use personal cloud storage services, such as Drop Box Google Drive, and iCloud, for any city file.

Site Disclaimer: The Seattle Police Department's website was developed to provide general information. Data contained at this location is generally not reviewed for legal sufficiency. SPD documents displayed are for reference purposes only. Their completeness or currency are not guaranteed. Links or references to other information or organizations are for reference only and do not constitute an endorsement.

ADA Notice

Notice of Nondiscrimination

Privacy

© Copyright 1995-2018 City of Seattle

Seattle Police Department Manual

Carmen Best, Chief of Police

16.170 - AUTOMATIC LICENSE PLATE READERS

Effective Date: 8/15/2012

16.170-POL

This policy applies to the use of automatic license plate readers (ALPR) by Department employees.

1. Criminal Intelligence Section has Operational Control

The ALPR system administrator will be a member of the Technical and Electronic Support Unit (TESU).

2. Operators Must be Trained

Operators must be ACCESS certified and trained in the proper use of ALPR.

- Training will be administered by TESU and Parking Enforcement, as applicable.

3. ALPR Operation Shall be for Official Department Purposes

ALPR may be used during routine patrol or any criminal investigation.

4. Only Employees With ACCESS Level 1 Certification May Access ALPR Data

Employees are permitted to access ALPR data only when the data relates to a specific criminal investigation.

- A record of requests to review stored ALPR data will be maintained by TESU.

Site Disclaimer: The Seattle Police Department's website was developed to provide general information. Data contained at this location is generally not reviewed for legal sufficiency. SPD documents displayed are for reference purposes only. Their completeness or currency are not guaranteed. Links or references to other information or organizations are for reference only and do not constitute an endorsement.

ADA Notice

Notice of Nondiscrimination

Privacy

© Copyright 1995-2018 City of Seattle

Part 3 - ENFORCEMENT

Chapter 11.30 - IMPOUNDING

Sections:

11.30.010 - Impoundment defined.

"Impoundment" means removal of a vehicle to a storage facility either by an officer or authorized agent of the Seattle Police Department or by a contractor for towing and storage in response to a request from an officer or authorized agent of the Seattle Police Department or the Seattle Housing Authority.

(Ord. 117306 § 1, 1994; Ord. [108200](#), § 2(11.30.010), 1979.)

11.30.020 - Vehicle defined.

The term "vehicle" as used in this chapter shall have the definition set forth in Section 11.14.710 and, in addition, shall include any vehicle hulk as the same is defined in Section 11.14.045.

(Ord. [108200](#), § 2(11.30.020), 1979.)

11.30.030 - Applicable State law adopted by reference.

Applicable provisions of Chapter 46.55 RCW, as now or hereafter amended, are hereby incorporated into Seattle Municipal Code Chapter 11.30 by this reference.

(Ord. 117306 § 2, 1994.)

11.30.040 - When a vehicle may be impounded without prior notice.

- A. A vehicle may be impounded with or without citation and without giving prior notice to its owner as required in Section 11.30.060 hereof only under the following circumstances:
1. When the vehicle is impeding or is likely to impede the normal flow of vehicular or pedestrian traffic; or
 2. When the vehicle is illegally occupying a truck, commercial load zone, restricted parking zone, bus, loading, hooded-meter, taxi, street construction or maintenance, or other similar zone where, by order of the Director of Transportation or Chiefs of Police or Fire or their designees, parking is limited to designated classes of vehicles or is prohibited during certain hours, on designated days or at all times, if the zone has been established with signage for at least twenty-four (24) hours giving notice that a vehicle will be removed if illegally parked in the zone and where such vehicle is interfering with the proper and intended use of such zones; or
 3. When a vehicle without a special license plate, card, or decal indicating that the vehicle is being used to transport a disabled person as defined under Chapter 46.16 RCW, as now or hereafter amended, is parked in a stall or space clearly and conspicuously marked as provided in Section 11.72.065 A, as now or hereafter amended, whether the space is provided on private property without charge or on public property; or
 4. When the vehicle poses an immediate danger to the public safety; or
 5. When a police officer has probable cause to believe that the vehicle is stolen; or

6. When a police officer has probable cause to believe that the vehicle constitutes evidence of a crime or contains evidence of a crime, if impoundment is reasonably necessary in such instance to obtain or preserve such evidence; or
 7. When a vehicle is parked in a public right-of-way or on other publicly owned or controlled property and there are four or more parking infractions issued against the vehicle for each of which a person has failed to respond, failed to appear at a requested hearing, or failed to pay a parking infraction for at least 45 days from the date of the filing of the notice of infraction;
 8. When the vehicle is a "junk motor vehicle" as defined in SMC 11.14.268, and is parked on a street, alley, or way open to the public, or on municipal or other public property.
 9. When the vehicle is impounded pursuant to Section 11.30.105A, but if the vehicle is a commercial vehicle and the driver is not the registered owner of the vehicle, then the police officer shall attempt in a reasonable and timely manner to contact the registered owner before impounding the vehicle and may release the vehicle to the registered owner if the registered owner is reasonably available, was not in the vehicle at the time it was stopped and the driver arrested, and has not received a prior release under this Subsection 11.30.040 A9 or Subsection 11.30.120 C2.
 10. When a vehicle with an expired registration of more than forty-five days is parked on a public street.
 11. When the vehicle is impounded pursuant to Section 12A.10.115.
 12. When the vehicle is impounded pursuant to Washington Laws of 2011, chapter 167, section 3.
- B. Nothing in this section shall be construed to authorize seizure of a vehicle without a warrant where a warrant would otherwise be required.

(Ord. 123632, § 9, 2011; Ord. 123447, § 2, 2010; Ord. 123190, § 8, 2009; Ord. 123035, § 3, 2009; Ord. [121525](#) § 4, 2004; Ord. [120102](#) § 1, 2000; Ord. [119782](#) § 1, 1999; Ord. [119180](#) § 3, 1998; Ord. 117306 § 3, 1994; Ord. 114518 § 4, 1989; Ord. [111835](#) § 1, 1984; Ord. [108200](#), § 2(11.30.040), 1979.)

11.30.060 - When a vehicle may be impounded after notice.

A vehicle not subject to impoundment under Section 11.30.040 may be impounded after notice of such proposed impoundment has been securely attached to and conspicuously displayed on the vehicle for a period of twenty-four (24) hours prior to such impoundment, for the following reasons:

- A. When such vehicle is parked and/or used in violation of any law, ordinance or regulation; or
- B. When such vehicle is abandoned, as that term is defined in SMC 11.14.015, as now or hereafter amended; or
- C. When such vehicle is so mechanically defective as to be unsafe for operation; provided, however, that this section shall not be construed to prevent the operation of any such defective vehicle to a place for correction of equipment defect in the manner directed by any peace officer.

(Ord. [120102](#) § 2, 2000; Ord. 117306 § 4, 1994; Ord. [108200](#), § 2(11.30.060), 1979.)

11.30.080 - How impoundment is to be effected.

When impoundment is authorized by this chapter, a vehicle may be impounded either by an officer or authorized agent of the Police Department or by a contractor for towing and storage acting at the request

of an officer or authorized agent of the Police Department or Seattle Housing Authority and in accordance with a contract authorized by Section 11.30.220.

(Ord. 117306 § 5, 1994; Ord. [108200](#), § 2(11.30.080), 1979.)

11.30.100 - Owner of impounded vehicle to be notified.

- A. Not more than twenty-four (24) hours after impoundment of any vehicle, the tow contractor shall mail a notice by first class mail to the last known and legal owners of the vehicles, as may be disclosed by the vehicle identification number, and as provided by the Washington State Department of Licenses. The notice shall contain the full particulars of the impoundment, redemption, and opportunity for hearing to contest the propriety of the impoundment as hereinafter provided.
- B. Similar notice shall be given to each person who seeks to redeem an impounded vehicle, except that if a vehicle is redeemed prior to the mailing of notice, then notice need not be mailed.
- C. The Seattle Police Department shall give written notification to the last registered and legal owner that the investigatory hold has been removed, except that if a vehicle is redeemed following notice by telephone and prior to the mailing of notice, then notice need not be mailed. In addition, the Police Department shall notify the towing contractor, by telephone or in writing, of the authorization to release such vehicle.

(Ord. 117306 § 6, 1994; Ord. [108200](#), § 2(11.30.100), 1979.)

11.30.105 - Impoundment of vehicle where driver is arrested for a violation of Section 11.56.320 B or C or Section 11.56.020—Period of impoundment.

- A. Whenever the driver of a vehicle who is also the registered owner of the vehicle is arrested for a violation of Section 11.56.020, 11.56.320 B or C, the vehicle is subject to impoundment at the direction of a police officer. For purposes of this subsection, "arrested" includes, but is not limited to, being temporarily detained under Section 12A.02.140 B and served with a citation and notice to appear pursuant to Section 12A.02.140 C and RCW 46.64.015.
- B. Reserved.
- C. Reserved.
- D. If a vehicle is impounded because the driver is arrested for a violation of Section 11.56.320 B or C and the Washington Department of Licensing's records show that the driver has not been convicted of a violation of RCW 46.20.342(1)(a) or (b) or similar local ordinance within the past five (5) years, the vehicle shall be impounded for thirty (30) days.
- E. If a vehicle is impounded because the driver is arrested for a violation of Section 11.56.320 B or C and the Washington Department of Licensing's records show that the driver has been convicted one (1) time of a violation of RCW 46.20.342(1)(a) or (b) or similar local ordinance once within the past five (5) years, the vehicle shall be impounded for sixty (60) days.
- F. If a vehicle is impounded because the driver is arrested for a violation of Section 11.56.320 B or C and the Washington Department of Licensing's records show that the driver has been convicted of a violation of RCW 46.20.342(1)(a) or (b) or similar local ordinance two (2) or more times within the past five (5) years, the vehicle shall be impounded for ninety (90) days.

(Ord. [121483](#) § 1, 2004; Ord. [120006](#) § 1, 2000; Ord. 12005 § 1, 2000; Ord. [119180](#) § 4, 1998.)

11.30.120 - Redemption of impounded vehicles

Vehicles impounded by the City shall be redeemed only under the following circumstances:

- A. The vehicle may be redeemed only by the following persons or entities: the legal owner; the registered owner; a person authorized in writing by the registered owner; the vehicle's insurer or a vendor working on behalf of the vehicle's insurer; a third-party insurer that has a duty to repair or replace the vehicle, has obtained consent from the registered owner or the owner's agent to move the vehicle, and has documented that consent in the insurer's claim file, or a vendor working on behalf of a third-party insurer that has received such consent; a person, who is known to the registered or legal owner of a motorcycle or moped, as each are defined in Chapter 11.14, that was towed from the scene of an accident, may redeem the motorcycle or moped as a bailment in accordance with chapter 46.55 RCW, as amended by Chapter 152, Section 4, Laws of 2017, while the registered or legal owner is admitted as a patient in a hospital due to the accident; provided, however, that at all times the registered owner must be granted access to and may reclaim possession of the vehicle. For the purposes of this subsection 11.30.120.A, "owner's agent" means the legal owner of the vehicle, a driver in possession of the vehicle with the registered owner's permission, or an adult member of the registered owner's family; a person who is determined and verified by the operator to have the permission of the registered owner of the vehicle; or a person who has purchased the vehicle from the registered owner, who produces proof of ownership or authorization and signs a receipt therefore. A person redeeming a vehicle impounded pursuant to Section 11.30.105 must prior to redemption establish that he or she has a valid driver's license and is in compliance with Section 11.20.340. A vehicle impounded pursuant to Section 11.30.105 can be released only pursuant to a written release authorization from the Seattle Police Department pursuant to subsection 11.30.120.C or a written release authorization or order from Municipal Court pursuant to subsection 11.30.120.B or 11.30.120.C.
- B. Any person so redeeming a vehicle impounded by the City shall pay the towing contractor for costs of impoundment (removal, towing, and storage) and administrative fee prior to redeeming such vehicle. Such towing contractor shall accept payment as provided in RCW 46.55.120(1)(b), as now or hereafter amended. If the vehicle was impounded pursuant to Section 11.30.105 and was being operated by the registered owner when it was impounded, it may not be released to any person until all penalties, fines, or fees owed by the registered owner to the City of Seattle have been satisfied by payment in full, by establishment of a time payment agreement with the Municipal Court, or by other means acceptable to the Municipal Court. If the vehicle was impounded pursuant to Section 11.30.040.A.7, it may not be released to any person until all penalties, fines, or fees on all parking infractions described in that section, and all booting, removal, towing, storage, lost boot, and administrative fees charged against the vehicle and owed by the registered owner to the City of Seattle have been satisfied by payment in full or through a time payment plan. Upon payment in full or time payment arrangement of such obligations, the court may issue a written release authorization allowing the vehicle to be released from impoundment.
- C. The Chief of Police or Municipal Court shall release a vehicle impounded pursuant to Section 11.30.105 prior to the expiration of any period of impoundment:
 1. Upon petition of the spouse of the driver, or the person registered pursuant to Ordinance 117244 as the domestic partner of the driver, based on economic or personal hardship to such spouse or domestic partner resulting from the unavailability of the vehicle and after consideration of the threat to public safety that may result from release of the vehicle, including, but not limited to, the driver's criminal history, driving record, license status, and access to the vehicle; or
 2. If the registered owner of the vehicle was not the driver, did not know that the driver's license was suspended or revoked and has not received a prior release under this Subsection 11.30.120 C2 or Subsection 11.30.040 A9.

In order to avoid discriminatory application, the Chief of Police and Municipal Court shall deny release without discretion in all circumstances other than for the reasons set forth in this Subsection

11.30.120 C. If such release is authorized, the person redeeming the vehicle still must satisfy the requirements of Section 11.30.120 A and B.

D. Any person seeking to redeem a vehicle impounded as a result of a parking or traffic citation or under Section 12A.10.115 has a right to a hearing before a Municipal Court judicial officer to contest the validity of an impoundment or the amount of removal, towing, and storage charges or administrative fee if such request for hearing is in writing, in a form approved by the Municipal Court and signed by such person, and is received by the Municipal Court within ten (10) days (including Saturdays, Sundays, and holidays) of the latter of the date the notice was mailed to such person pursuant to Section 11.30.100 A or B, or the date the notice was given to such person by the registered tow truck operator pursuant to RCW 46.55.120(2)(a). Such hearing shall be provided as follows:

1. If all of the requirements to redeem the vehicle, including expiration of any period of impoundment under Section 11.30.105, have been satisfied, then the impounded vehicle shall be released immediately, and a hearing as provided for in Section 11.30.160 shall be held within ninety (90) days of the written request for hearing.
2. If not all of the requirements to redeem the vehicle, including expiration of any period of impoundment under Section 11.30.105, have been satisfied, then the impounded vehicle shall not be released until after the hearing provided pursuant to Section 11.30.160, which shall be held within two (2) business days (excluding Saturdays, Sundays and holidays) of the written request for hearing.
3. Any person seeking a hearing who has failed to request such hearing within the time specified in Section 11.30.120 D may petition the Municipal Court for an extension to file a request for hearing. Such extension shall only be granted upon the demonstration of good cause as to the reason(s) the request for hearing was not timely filed. For the purposes of this section, "good cause" shall be defined as circumstances beyond the control of the person seeking the hearing that prevented such person from filing a timely request for hearing. In the event such extension is granted, the person receiving such extension shall be granted a hearing in accordance with this chapter.
4. If a person fails to file a timely request for hearing and no extension to file such a request has been granted, the right to a hearing is waived, the impoundment and the associated costs of impoundment and administrative fee are deemed to be proper, and the City shall not be liable for removal, towing, and storage charges arising from the impoundment.
5. In accordance with RCW 46.55.240 (1)(d), a decision made by a Municipal Court judicial officer may be appealed to Municipal Court for final judgment. The hearing on the appeal under this subsection shall be de novo. A person appealing such a decision must file a request for an appeal in Municipal Court within fifteen (15) days after the decision of the Municipal Court judicial officer and must pay a filing fee in the same amount required for the filing of a suit in district court. If a person fails to file a request for an appeal within the time specified by this section or does not pay the filing fee, the right to an appeal is waived and the Municipal Court judicial officer's decision is final.

(Ord. [125344](#), § 1, 2017; Ord. 124302, § 6, 2013; Ord. 123447, § 3, 2010; Ord. 123190, § 9, 2009; Ord. [121525](#) § 5, 2004; Ord. [121483](#) § 2, 2004; Ord. [120007](#) § 1, 2000; Ord. [120006](#) § 2, 2000; Ord. [119180](#) § 5, 1998; Ord. 117306 § 7, 1994; Ord. 115634 § 1, 1991; Ord. [110106](#) § 1, 1981; (Ord. [108200](#), § 2(11.30.120), 1979.)

11.30.160 - Post-impoundment hearing procedure.

Hearings requested pursuant to Section 11.30.120 shall be held by a Municipal Court judicial officer, who shall determine whether the impoundment was proper and whether the associated removal, towing, storage, and administrative fees were proper. The Municipal Court judicial officer shall not have the

authority to determine the commission or mitigation of any parking infraction unless a timely response under Section 11.31.050 A was filed to that notice of infraction requesting a hearing and the hearing date for that infraction has not passed, in which case the Municipal Court judicial officer has discretion to consolidate the impoundment hearing and the notice of infraction hearing.

- A. At the hearing, an abstract of the driver's driving record is admissible without further evidentiary foundation and is prima facie evidence of the status of the driver's license, permit, or privilege to drive and that the driver was convicted of each offense shown on the abstract. In addition, a certified vehicle registration of the impounded vehicle is admissible without further evidentiary foundation and is prima facie evidence of the identity of the registered owner of the vehicle.
- B. If the impoundment is found to be proper, the Municipal Court judicial officer shall enter an order so stating. In the event that the costs of impoundment (removal, towing, and storage) and administrative fee have not been paid or any other applicable requirements of Section 11.30.120 B have not been satisfied or any period of impoundment under Section 11.30.105 has not expired, the Municipal Court judicial officer's order shall also provide that the impounded vehicle shall be released only after payment to the City of any fines imposed on any underlying traffic or parking infraction and satisfaction of any other applicable requirements of Section 11.30.120 B and payment of the costs of impoundment and administrative fee to the towing company and after expiration of any period of impoundment under Section 11.30.105. In the event that the Municipal Court judicial officer grants time payments for the costs of impoundment and administrative fee, the City shall be responsible for paying the costs of impoundment to the towing company. The Municipal Court judicial officer shall grant such time payments only in cases of extreme financial need, and where there is an effective guarantee of payment.
- C. If the impoundment is found to be improper, the Municipal Court judicial officer shall enter an order so stating and order the immediate release of the vehicle. If the costs of impoundment and administrative fee have already been paid, the Municipal Court judicial officer shall enter judgment against the City and in favor of the person who has paid the costs of impoundment and administrative fee in the amount of the costs of the impoundment and administrative fee.
- D. In the event that the Municipal Court judicial officer finds that the impound was proper, but that the removal, towing, storage, or administrative fees charged for the impoundment were improper, the Municipal Court judicial officer shall determine the correct fees to be charged. If the costs of impoundment and administrative fee have been paid, the Municipal Court judicial officer shall enter a judgment against the City and in favor of the person who has paid the costs of impoundment and administrative fee for the amount of the overpayment.
- E. No determination of facts made at a hearing under this section shall have any collateral estoppel effect on a subsequent criminal prosecution and such determination shall not preclude litigation of those same facts in a subsequent criminal prosecution.
- F. An appeal of the Municipal Court judicial officer's decision in Municipal Court shall be conducted according to, and is subject to, the procedures of this section. If the court finds that the impoundment or the removal, towing, storage, or administrative fees are improper, any judgment entered against the City shall include the amount of the filing fee.

(Ord. [120006](#) § 3, 2000; Ord. [119180](#) § 6, 1998; Ord. 115634 § 3, 1991; Ord. [110106](#) § 2, 1981; Ord. [108200](#), § 2(11.30.160), 1979.)

11.30.180 - Responsibility for fees as to standby time or vehicles held for investigatory purposes.

- A. No fee shall be assessed against the owner of a vehicle for time elapsed after the towing equipment has arrived at the location of the vehicle to be towed and prior to the operation of the towing equipment or performance of the impound service.

- B. No impoundment fee and/or towing or storage charges shall be assessed against the owner of a vehicle which is being held for investigatory purposes pursuant to Section 11.30.040 A6 and which is redeemed within forty-eight (48) hours after the Police Department shall have notified the owner of the release of such vehicle in writing in the manner provided in Section 11.30.100 C; provided that such owner or person authorized to obtain possession of such impounded vehicle shall pay any charges assessed for storage after such forty-eight (48) hour period; provided further, that if the registered owner or the driver authorized by the registered owner is arrested or charged with a crime in connection with the incident leading to impoundment, the City shall not pay the towing or storage charges.

(Ord. 117306 § 8, 1994; Ord. 115634 § 4, 1991; Ord. [112421](#) § 6, 1985; Ord. [109031](#) § 1, 1980; Ord. [108200](#), § 2 (11.30.180), 1979.)

11.30.200 - Abandoned vehicles.

- A. Any impounded vehicle not redeemed within fifteen (15) days of mailing of the notice required by Section 11.30.100 shall be deemed abandoned.
- B. No tow truck operator shall sell or otherwise dispose of an abandoned vehicle unless all applicable provisions of State law have been complied with.

(Ord. 117306 § 9, 1994; Ord. [108200](#), § 2(11.30.200), 1979.)

11.30.220 - Contract for towing and storage.

- A. The Director of Finance and Administrative Services is authorized and directed to prepare specifications for towing and storage of vehicles, including instructions to bidders, containing such provisions as the Director shall deem advisable and not in conflict with this chapter.
- B. A call for bids responsive to such specifications shall then be made, and the contract shall be awarded to the lowest and best bidder whose proposal is deemed by the Director of Finance and Administrative Services to be the most advantageous for the public and the City; provided that, in the event all bids are deemed by the Director to be too high or irregular, he or she may reject all such bids and make another call for bids or proceed alternatively pursuant to ordinance passed for such purpose.

The Director shall consider, among other relevant factors, the following:

1. Integrity, skill, and business judgment of the bidder;
2. General experience in providing towing and storage services;
3. Conduct and performance under a previous City towing impound contract demonstrating honesty, promptness, skill, efficiency, and a satisfactory relationship with vehicle owners;
4. Existing availability of equipment, facilities, and personnel; and
5. The bidder's financial ability and willingness to expand or improve available equipment, facilities, and services.

The contract award shall be in accordance with the specifications so approved for towing and storage service necessary for carrying out the provisions of this chapter.

- C. Subsequent to the award of the contract, the Director of Finance and Administrative Services shall file a written statement with the City Clerk giving the name and address of the contractor for towing and storage of vehicles and, if more than one place of storage has been provided, the name and address or location of each storage place. The Director shall administer and enforce contracts made pursuant to this section.

(Ord. 123361, § 251, 2010; Ord. [122589](#), § 1, 2007; Ord. [120794](#) § 199, 2002; Ord. 117169 § 128, 1994; Ord. 116368 § 214, 1992; Ord. [108200](#), § 2(11.30.220), 1979.)

11.30.240 - Contract for towing and storage—Financial responsibility.

Any contract for towing and storage under the provisions of this chapter shall require the contractor to demonstrate proof of financial responsibility for any liability which the City may have as a result of any negligence, willful conduct or breach of contract by the contractor and for any damages which the owner of an impounded vehicle may sustain as a result of damage to or loss of the vehicle, or the contents of a vehicle in the custody of the contractor. Proof of financial responsibility shall be furnished either by proof of insurance, by filing a surety bond and/or by depositing cash in such amounts as the Director of Finance and Administrative Services shall determine necessary.

(Ord. 123361, § 252, 2010; Ord. 117306 § 10, 1994; Ord. 117169 § 129, 1994; Ord. [108200](#), § 2(11.30.240), 1979.)

11.30.260 - Contract for towing and storage—Notice to owners of impounded vehicles.

Any contract for towing and storage under provisions of this chapter shall require the contractor, at any location where vehicles are impounded, to post conspicuous notice of the rights of the owners of such vehicles under Section 11.30.220.

(Ord. [108200](#), § 2(11.30.260), 1979.)

11.30.280 - Contractor to file monthly claim for services.

The contractor shall, on or before the tenth day of each month, file his or her claim with the Department of Finance and Administrative Services for towing and storage charges accruing to him or her upon vehicles redeemed as provided in this chapter during the preceding month, in accordance with this chapter and with the specifications for the contract authorized in Section 11.30.220, and such claim shall be sworn to by him or her under oath. The Director of Finance and Administrative Services shall audit such claim and any payment thereof at least once annually. A warrant or warrants for payment of such claim shall be drawn and paid by the Director from such expenditure allowances as may be provided therefor in the annual budget or from such moneys as may otherwise be appropriated for such purpose. If the appropriate fund is solvent at the time payment is ordered, the Director may elect to make payment by check.

(Ord. 123361, § 253, 2010; Ord. [120794](#) § 200, 2002; Ord. [120181](#) § 115, 2000; Ord. [120114](#) § 34, 2000; Ord. 118397 § 100, 1996; Ord. 117169 § 130, 1994; Ord. 116368 § 215, 1992; Ord. [108200](#), § 2(11.30.280), 1979.)

11.30.290 - Contract for towing and storage—Administrative fee.

- A. If a vehicle is impounded pursuant to Section 11.30.105, an administrative fee shall be levied when the vehicle is redeemed under the specifications of the contract provided for by Section 11.30.220.
- B. If a vehicle is impounded pursuant to subsection 11.30.040.A7, an administrative fee shall be levied when the vehicle is redeemed under the specifications of the contract provided for by Section 11.30.220.
- C. If a vehicle is impounded other than pursuant to subsection 11.30.040.A7 or Section 11.30.105, an administrative fee shall be levied when the vehicle is redeemed under the specifications of the contract provided for by Section 11.30.220.

- D. The administrative fee shall be collected by the contractor performing the impound, and shall be remitted to the Department of Finance and Administrative Services in the manner directed by the Director of Finance and Administrative Services and as specified in the contract provided by subsection 11.30.220.A. The administrative fee shall be for the purpose of offsetting, to the extent practicable, the cost to the City of implementing, enforcing, and administering the provisions of this chapter and shall be deposited in an appropriate account. The administrative fee shall be set by rule by the Director in an amount not to exceed \$100.

(Ord. 123361, § 254, 2010; Ord. [120794](#) § 201, 2002; Ord. [120181](#) § 116, 2000; Ord. [119180](#) § 7, 1998; Ord. 118397 § 101, 1996; Ord. 117306 § 11, 1994.)

11.30.300 - Record of impounded vehicles.

- A. The Police Department shall keep, and make available for public inspection, a record of all vehicles impounded under the provisions of this chapter. The record shall include at least the following information:
1. Manufacturer's trade name or make;
 2. Vehicle license number and state of registration;
 3. Vehicle identification number;
 4. Such other descriptive information as the Chief of Police deems useful for purposes of vehicle identification;
 5. Basis for impoundment, including reference to the appropriate section or sections of this subtitle; and
 6. Disposition of the vehicle and date of disposition.
- B. The Police Department shall furnish to the towing contractor, upon request, the name of the registered owner of any vehicle impounded by such contractor pursuant to this chapter.

(Ord. [108200](#), § 2(11.30.300), 1979.)

11.30.320 - Rules and regulations.

The Director of Finance and Administrative Services and the Chief of Police are authorized and directed to promulgate rules and regulations consistent with this chapter, the Charter of the City, and Chapter 3.02 to provide for the fair and efficient administration of any contract or contracts awarded pursuant to Section 11.30.220 and to provide for the fair and efficient administration of any vehicle impoundment, redemption, or release or any impoundment hearing under this chapter.

(Ord. 123361, § 255, 2010; Ord. [120794](#) § 202, 2002; Ord. [119180](#) § 8, 1998; Ord. 117169 § 131, 1994; Ord. [108200](#), § 2(11.30.320), 1979.)

11.30.340 - Vehicle immobilization prohibited.

- A. A property owner, other than the State of Washington or any unit of local government, shall not immobilize any vehicle owned by a person other than the property owner. "Immobilize" means the use of a locking wheel boot that, when attached to the wheel of a vehicle, prevents the vehicle from moving without damage to the tire to which the locking wheel boot is attached.
- B. A violation of this section is a gross misdemeanor. (RCW 46.55.300)

(Ord. 122742, § 6, 2008.)

11.30.360 - Violations constituting abandoning—Evidence—Penalty.

- A. No person shall wilfully leave an abandoned vehicle on private property for more than twenty-four (24) hours without the permission of the person having the right to possession of the property, or a wrecked, dismantled, or inoperative vehicle or automobile hulk on a street, alley or way open to the public for twenty-four (24) hours or longer without notification to the Chief of Police of the reasons for leaving the motor vehicle in such a place. Any such vehicle or hulk shall be abated and removed in accordance with the provisions of Ordinance 98223, [13](#) as amended, and enforcement shall be by the Director of Transportation in accordance with said ordinance as amended. For the purposes of this section, the fact that a motor vehicle has been so left without permission or notification is prima facie evidence of abandonment.
- B. Any person found to have abandoned a vehicle or hulk shall, in addition to any penalty imposed, also be assessed any costs incurred by the City in the removal of such abandoned vehicle or hulk less any moneys received by the City from such removal.

(Ord. [121420](#) § 6, 2004; Ord. 117306 § 13, 1994; Ord. [109476](#) § 3(part), 1980; Ord. [108200](#), § 2(11.30.360), 1979.)

Footnotes:

--- (13) ---

Editor's note— Ord. 98223 is codified in Chapter 11.92 of this Code.

Chapter 11.31 - DISPOSITION OF TRAFFIC OFFENSES

Sections:

11.31.010 - Violations as traffic infractions.

Except as otherwise provided in Section 11.34.020 or elsewhere in this title, failure to perform any act required or the performance of any act prohibited by this title is designated as a traffic infraction and may not be classified as a criminal offense.

(Ord. 123632, § 10, 2011; Ord. [122003](#), § 2, 2005; Ord. 115040, § 6, 1990; Ord. [112975](#), § 1, 1986; Ord. [112466](#), § 2, 1985; Ord. [110967](#), § 5, 1983; Ord. [109476](#), § 1, 1980; Ord. [108200](#), § 2(11.31.010), 1979.)

11.31.020 - Notice of traffic infraction—Issuance.

- A. A peace officer has the authority to issue a notice of traffic infraction:
 - 1. when the infraction is committed in the officer's presence;
 - 2. if an officer investigating at the scene of a motor vehicle accident has reasonable cause to believe that the driver of a motor vehicle involved in the accident has committed a traffic infraction; or
 - 3. when a violation of Section 11.50.140, 11.50.150, 11.52.040, or 11.52.100 is detected through the use of an automated traffic safety camera as authorized pursuant to RCW 46.63.170 and Section 11.50.570.

- B. A court may issue a notice of traffic infraction upon receipt of a written statement of the officer that there is reasonable cause to believe that an infraction was committed. (RCW 46.63.030)

(Ord. [124950](#), § 5, 2015; Ord. 123632, § 8, 2011; Ord. 123420, § 6, 2010; Ord. 123035, § 2, 2009; Ord. [119011](#), § 7, 1998; Ord. 118105, § 2, 1996; Ord. [112421](#), § 12, 1985; Ord. [109476](#), § 3(part), 1984; Ord. [108200](#), § 2(11.23.400), 1979.) Ord. 123946, § 4, 2012; Ord. 123170, § 1, 2009; Ord. [121944](#), § 2, 2005; Ord. [109476](#), § 1(part), 1980; Ord. [108200](#), § 2(11.31.020), 1979.)

11.31.030 - Parking notices.

Whenever any motor vehicle without an operator is found parked, standing or stopped in violation of this subtitle, the officer finding it may take its registration number and any other information displayed on the vehicle which may identify its user, and shall fix conspicuously to such vehicle a notice of traffic infraction. (RCW 46.63.030(3))

(Ord. [109476](#) § 2(part), 1980; Ord. [108200](#), § 2(11.31.030), 1979.)

11.31.040 - Notice of traffic infraction—Determination—Response.

A notice of traffic infraction represents a determination that an infraction has been committed. The determination will be final unless contested as provided in this chapter. (RCW 46.63.060)

(Ord. [109476](#) § 1(part), 1980; Ord. [108200](#), § 2(11.31.020), 1979.)

11.31.050 - Response to notice of traffic infraction—Contesting determination—Hearing—Failure to appear.

- A. Any person who receives a notice of traffic infraction shall respond to such notice as provided in this section within fifteen (15) days of the date of the notice.
- B. If the person determined to have committed the infraction does not contest the determination the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the Municipal Court of Seattle. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records, and a record of the response and order shall be furnished to the Department of Licensing in accordance with RCW 46.20.270.
- C. If the person determined to have committed the infraction wishes to contest the determination the person shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it, either by mail or in person, to the Municipal Court of Seattle. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be sooner than seven (7) days from the date of the notice, except by agreement.
- D. If the person determined to have committed the infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the Municipal Court of Seattle. The court shall notify the person in writing of the time, place, and date of the hearing.
- E. In any hearing conducted pursuant to subsections C or D of this section, the court may defer findings, or in a hearing to explain mitigating circumstances may defer entry of its order, for up to one (1) year and impose conditions upon the defendant the court deems appropriate. Upon deferring

findings, the court may assess costs as the court deems appropriate for administrative processing. If at the end of the deferral period the defendant has met all conditions and has not been determined to have committed another traffic infraction, the court may dismiss the infraction. A person may not receive more than one (1) deferral within a seven (7) year period for traffic infractions for moving violations and more than one (1) deferral within a seven (7) year period for traffic infractions for nonmoving violations. A person who commits negligent driving in the second degree with a vulnerable user victim may not receive a deferral for this infraction under this section.

- F. If any person issued a notice of traffic infraction:
1. Fails to respond to the notice of traffic infraction as provided in subsection B of this section; or
 2. Fails to appear at a hearing requested pursuant to subsections C or D; the court shall enter an appropriate order assessing the monetary penalty prescribed for the traffic infraction and any other penalty authorized by this chapter and shall notify the Department of Licensing in accordance with RCW 46.20.270 of the failure to respond to the notice of infraction or to appear at a requested hearing. (RCW 46.63.070)

(Ord. 123946, § 5, 2012; Ord. [120060](#), § 1, 2000; Ord. [111859](#), § 2, 1984; Ord. [109476](#), § 1(part), 1980; Ord. [108200](#), § 2(11.31.050), 1979.)

11.31.060 - Hearing—Contesting determination that infraction committed—Appeal.

- A. A hearing held for the purpose of contesting the determination that an infraction has been committed shall be without a jury.
- B. The court may consider the notice of traffic infraction and any other written report made under oath submitted by the officer who issued the notice or whose written statement was the basis for the issuance of the notice in lieu of the officer's personal appearance at the hearing. The person named in the notice may subpoena witnesses, including the officer, and has the right to present evidence and examine witnesses present in court.
- C. The burden of proof is upon the City to establish the commission of the infraction by a preponderance of the evidence.
- D. After consideration of the evidence and argument, the court shall determine whether the infraction was committed. Where it has not been established that the infraction was committed, an order dismissing the notice shall be entered in the court's records. Where it has been established that the infraction was committed an appropriate order shall be entered in the court's records. A record of the court's determination and order shall be furnished to the Department of Licensing in accordance with RCW 46.20.270 as now or hereafter amended.
- E. An appeal from the court's determination or order shall be to the Superior Court. The decision of the Superior Court is subject only to discretionary review pursuant to Rule 2.3 of the Rules of Appellate Procedure. (RCW 46.63.090)

(Ord. [109476](#) § 1(part), 1980; Ord. [108200](#), § 2(11.31.060), 1979.)

11.31.070 - Hearings—Explanation of mitigating circumstances.

- A. A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of an infraction shall be an informal proceeding. The person may not subpoena witnesses. The determination that an infraction has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances.
- B. After the court has heard the explanation of the circumstances surrounding the commission of the infraction an appropriate order shall be entered in the court's records. A record of the court's

determination and order shall be furnished to the Department of Licensing in accordance with RCW 46.20.270 as now or hereafter amended.

- C. There may be no appeal from the court's determination or order. (RCW 46.63.100)

(Ord. [109476](#) § 1(part), 1980: Ord. [108200](#) , § 2(11.31.070), 1979.)

11.31.080 - Owner responsible for stopping, standing, parking, or alarm violation.

- A. In any traffic infraction case involving a violation of this title relating to the stopping, standing or parking of a vehicle, or the sounding of an audible alarm, proof that the particular vehicle described in the notice of traffic infraction was stopping, standing or parking or emitting an audible alarm in violation of any such provision in this title together with proof of registered ownership of the vehicle at the time of the violation, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred or was responsible for the failure to turn off the audible alarm as required.
- B. The foregoing stated presumption shall apply only when the procedure prescribed in Section 11.31.030 has been followed. (RCW 46.63)
- C. If a car rental agency declares that the vehicle was under lease at the time of the violation, and supplies the name and address of the lessee, there shall be a prima facie presumption that the lessee so identified parked or placed the vehicle at the point where the violation occurred, or was responsible for the failure to turn off the audible alarm as required.

(Ord. 116701 § 2, 1993: Ord. [109476](#) § 2(part), 1980: Ord. [108200](#) , § 2(11.31.080), 1979.)

11.31.090 - Traffic infractions detected through the use of an automated traffic safety camera

- A. A notice of infraction based on evidence detected through the use of an automated traffic safety camera must be mailed to the registered owner of the vehicle within 14 days of the violation, or to the renter of a vehicle within 14 days of establishing the renter's name and address under subsection C1 of this section, SMC 11.31.090. The peace officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation of Section 11.50.140, Section 11.50.150, Section 11.52.040, or Section 11.52.100. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction.
- B. A person receiving such a notice of infraction may respond to the notice by mail. The registered owner of a vehicle is responsible for such an infraction unless the registered owner overcomes the presumption in SMC subsection 11.31.090.E, or, in the case of a rental car business, satisfies the conditions under SMC subsection 11.31.090.C. If appropriate under the circumstances, a renter identified under SMC subsection 11.31.090.C1 is responsible for such an infraction.
- C. If the registered owner of the vehicle is a rental car business, the peace officer shall, before such a notice of infraction is issued, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within 18 days of receiving the written notice, provide to the peace officer by return mail:
 - 1. A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or
 - 2. A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred; or

3. In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of this statement to the peace officer relieves a rental car business of any liability under Chapter 11.31 for the notice of infraction.

- D. The term "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing system or speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal or exceeds a speed limit in a school speed zone as detected by a speed measuring device. An automated traffic safety camera includes a camera used to detect violations other than stoplight, railroad crossing and school speed zone violations as authorized by and subject to the restrictions imposed by the Washington Legislature.
- E. In a traffic infraction case involving an infraction detected through the use of an automated traffic safety camera, proof that the particular vehicle described in the notice of traffic infraction was in violation of Section 11.50.140, Section 11.50.150, 11.52.040, or Section 11.52.100, together with proof that the person named in the notice of traffic infraction was at the time of the violation the registered owner of the vehicle, constitutes in evidence a prima facie presumption that the registered owner of the vehicle was the person in control of the vehicle at the point where, and for the time during which, the violation occurred. This presumption may be overcome only if the registered owner states, under oath, in a written statement to the court or in testimony before the court that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner.

(Ord. [124686](#), § 2, 2015; Ord. 123946, § 6, 2012; Ord. 123170, § 2, 2009; Ord. [122725](#), § 1, 2008; Ord. [122554](#), § 1, 2007; Ord. [121944](#) § 3, 2005.)

11.31.115 - Monetary penalty doubled for certain traffic infractions.

A person found to have committed a traffic infraction relating to right of way, speed restrictions, overtaking and passing or regard for pedestrians in a school or playground crosswalk zone under Sections 11.40.040, 11.44.120, 11.52.100, 11.53.400, 11.58.230 or 11.58.310, speed restrictions in a roadway construction zone under Section 11.52.110 or an emergency zone under Section 11.58.272 or overtaking and passing a school bus under Section 11.53.440 shall be assessed a monetary penalty equal to twice the penalty assessed under Section 11.31.120. This penalty may not be waived, reduced or suspended. (RCW 46.61.212(3); RCW 46.61.235(5); RCW 46.61.245(2); RCW 46.61.261(2); RCW 46.61.440(3); RCW 46.61.527(3); RCW 46.61.370(6))

(Ord. 123420, § 8, 2010; Ord. 123420, § 7, 2010; Ord. [119011](#) § 9, 1998.)

11.31.120 - Monetary penalties.

- A. A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed \$250.00 for each offense unless a higher penalty is specifically provided for in this title or by statute.
- B. There shall be a penalty of \$25.00 for failure to respond to a notice of traffic infraction, to appear at a requested hearing or to pay a monetary penalty imposed pursuant to this chapter.
- C. A traffic infraction for violation of Section 11.50.140, Section 11.50.150, Section 11.52.040, or Section 11.52.100 detected through the use of an automated traffic safety camera shall be processed in the same manner as a parking infraction, with a monetary penalty equal to the total penalty, including the base penalty plus any statutory assessments authorized under state law, for violations of such Sections otherwise detected by a police officer. However, the monetary penalty for

a violation of Section 11.50.140 or Section 11.50.150 detected through the use of an automated traffic safety camera shall not exceed the monetary penalty for a violation of Section 11.50.380 as provided under subsection A of this Section, including all applicable statutory assessments.

(Ord. 123946, § 7, 2012; Ord. 123445, § 1, 2010; Ord. 123170, § 4, 2009; Ord. [122725](#), § 2, 2008; Ord. [122554](#), §§ 1, 2, 2007; Ord. [121944](#), § 4, 2005; Ord. [120481](#), § 3, 2001; Ord. 115927, § 1, 1991; Ord. 114839, § 1, 1989; Ord. [113186](#), § 1, 1986; Ord. [110013](#), § 1, 1981; Ord. [109476](#), § 1(part), 1980; Ord. [108200](#), § 2(11.31.120), 1979.)

11.31.121 - Monetary penalties—Parking infractions

The base monetary penalty for violation of each of the numbered provisions of the Seattle Municipal Code listed in the following table is as shown, unless and until the penalty shown below for a particular parking infraction is modified by Local Rule of the Seattle Municipal Court adopted pursuant to the Infraction Rules for Courts of Limited Jurisdiction ("IRLJ") or successor rules to the IRLJ:

Municipal Code reference	Parking infraction short description	Base penalty amount
11.23.400	UNAUTHORIZED USE - DISABLED	\$250
11.23.410	CARPOOL, FREE & PREFERENTIAL	\$47
11.23.415	CARPOOL PERMIT	\$47
11.26.060	SERVICE CONTROLLED PARKING AREA	\$47
11.26.080	HOOD, CONTROLLED PARKING AREA	\$47
11.26.100	HOOD, FREE PARKING AREA	\$47
11.26.120	HOOD, WORK LOCATION	\$47
11.26.140	HOOD ON OCCUPIED METER	\$47
11.26.160	HOODED METER, UNOCCUPIED	\$47
11.26.180	HOOD ON METER OVER 2 DAYS	\$47
11.26.200	HOOD, PROH. HOURS	\$47
11.26.220	HOOD, PASSENGER VEH.	\$47

11.26.240	HOOD, REVOKED	\$47
11.26.280	HOOD, VIOLATION	\$47
11.70.020	ANGLE, GEN.	\$47
11.70.040	PARALLEL R. SIDE	\$47
11.70.060	PARALLEL 1 WAY ST.	\$47
11.70.080	SHOULDER	\$47
11.70.100	STALLS/SPACES	\$47
11.70.120	PARK, R/W	\$47
11.70.140	SECURE VEH.	\$44
11.70.160	KEYS IGNITION	\$47
11.70.180	REMOVE KEY, LOCK DOOR	\$47
11.70.200	ILLEGAL ON STREET/ALLEY	\$47
11.72.010	ADVERTISING	\$47
11.72.020	ALLEY	\$47
11.72.025	ALLEY/DRIVEWAY	\$47
11.72.030	ANGLE/ARTERIAL OR BUS ROUTE	\$47
11.72.035	BLOCK TRAF OR WALK UNOCCUPIED	\$47
11.72.045	BUS SHELTER	\$47
11.72.050	BUS ZONE	\$47
11.72.051	CURB BULBS	\$47

11.72.053	UNAUTHOR. VEH/CARPOOL	\$47
11.72.054	CAR SHARING VEH ZONE	\$47
11.72.055	CLASS OF VEH.	\$47
11.72.060	CLEAR ROADWAY	\$47
11.72.065	IN MARKED DISABLED, INVALID PLACARD	\$250
11.72.070	COMMERCIAL VEH.	\$47
11.72.075	RESTRICTIONS - COMM LOAD ZONE	\$53
11.72.080	CROSSWALK	\$47
11.72.090	XWALK APPROACH	\$47
11.72.100	DOUBLE PARKED	\$47
11.72.110	DRIVEWAY OR ALLEY ENTRANCE	\$47
11.72.125	ELECTRIC VEHICLE CHARGING STATION	\$124
11.72.130	ELEVATED STRUCTURE	\$47
11.72.140	EXCAVATION OR OBSTRUCTION	\$47
11.72.145	EXPIRED/IMPROPER PLATES	\$47
11.72.150	FIRE APPARATUS	\$47
11.72.155	FIRE EXIT DOOR	\$47
11.72.160	FIRE HYDRANT	\$47
11.72.170	FIRE STATION DRIVEWAY	\$47
11.72.180	FIRE AREA	\$47

11.72.185	FIRE LANE	\$47
11.72.190	FLASHING SIGNAL	\$47
11.72.195	FOOD-VEHICLE ZONE	\$47
11.72.200	FUEL LOSS	\$47
11.72.205	DROPPING OIL OR GREASE	\$47
11.72.210	INTERSECTION	\$47
11.72.215	LOAD/UNLOAD ZONE	\$47
11.72.220	HOODED METERS, SIGNS	\$47
11.72.230	MOVING VEHICLE OF ANOTHER	\$47
11.72.240	MOVE VEH. AVOID TIME LIMIT	\$47
11.72.250	PARK, MUNICIPAL PROPERTY	\$44
11.72.260	OVERTIME	\$44
11.72.270	REPEATED OVERTIME	\$47
11.72.280	IN PARK	\$47
11.72.285	PASS. LOAD ZONE	\$47
11.72.290	PAVEMENT MARKINGS	\$47
11.72.300	PEAK HOUR	\$47
11.72.310	PLANTED AREA	\$44
11.72.320	PLANTING STRIP	\$44
11.72.330	SIGN POSTED LOCATIONS	\$47

11.72.350	TOO CLOSE TO R.R.	\$47
11.72.351.A	RESTRICTED PARKING ZONE	\$53
11.72.351.B	RPZ PERMIT DISPLAY IN IMPROPER LOCATION ON VEHICLE	\$29
11.72.351.C	ILLEGAL SALE, PURCHASE OR POSSESSION OF RPZ PERMIT	\$250
11.72.352	HUSKY STADIUM EVENT RESTRICTED PARKING	\$53
11.72.353	SCHOOL LOAD ZONE	\$47
11.72.355	SERVICE VEH. IN ST.	\$47
11.72.357	SHUTTLE BUS LOAD ZONE	\$47
11.72.360	SIDEWALK	\$47
11.72.370	STOP SIGN APPROACH (30')	\$47
11.72.390	LIMITED ACCESS, STREET	\$47
11.72.400	TAXI CAB ZONE	\$47
11.72.410	TOW AWAY ZONE	\$47
11.72.415	TRAIL OR PATH (VEH/BIKE)	\$47
11.72.420	TRF. CONTROL SIGNAL APPROACH	\$47
11.72.430	TRL./CAMPER DETACHED	\$47
11.72.435	PASS. VEH. IN TRUCK ZONE	\$47
11.72.440	OVER 72 HOURS	\$44
11.72.450	TYPE OF VEH.	\$47
11.72.460	WALL OR FENCE	\$47

11.72.465	CURB RAMP	\$47
11.72.470	WRONG SIDE	\$47
11.72.480	W/IN 30 FT. OF YIELD SIGN	\$47
11.72.500	PARKING JUNK VEHICLE ON STREET (IMPOUND)	\$250
11.74.010	STAND/ALLEY/COMM. VEH.	\$47
11.74.020	TRUCK LOAD ZONE - CMCRV VEH.	\$47
11.74.030	LOAD ZONE - TIME RESTRICTIONS	\$53
11.74.060	LOAD/UNLOAD PROH.	\$47
11.74.120	RESTRICTED AREA	\$47
11.76.005	IMPROPER PARKING RECEIPT DISPLAY	\$29
11.76.015	PAY-TO-PARK VIOLATIONS	\$44
11.76.020	PARKING TIME LIMIT	\$47
11.76.030	METER RESTRICTION	\$44
11.76.040	ILLEGAL USE, PARKING PAYMENT, TAMPERING	\$47
11.82.300	LIGHTS, PARKED VEHICLE	\$47
11.82.320	LIGHTS, PARKED, HIGHBEAM	\$47
11.84.345	FALSE ALARM - PARKED AUTO	\$47
18.12.235	RESTRICTIONS IN CERTAIN PARKS (REQ)	\$47

(Ord. [125609](#), § 5, 2018; Ord. 124302, § 7, 2013; Ord. 123712, § 2, 2011; Ord. 123705, § 1, 2011; Ord. 123659, § 8, 2011; Ord. 123161, § 1, 2009; Ord. 123035, § 4, 2009; Ord. 123001, §

10, 2009; Ord. 122779, § 6, 2008; Ord. 122761, § 2, 2008; Ord. [121954](#), § 2, 2005; Ord. [121917](#), § 5, 2005; Ord. [121388](#), § 11, 2004; Ord. [121005](#), § 1, 2002.)

11.31.125 - Civil infraction — Automobile alarm — Failure to respond.

- A. The violation of or failure to comply with Section 11.84.345 is a civil infraction as contemplated by RCW Chapter 7.80, and subject as a Class 4 civil infraction to a maximum penalty and a default amount of Twenty-three Dollars (\$23).
- B. There shall be a maximum penalty and default amount of Twenty-five Dollars (\$25) for failure to respond to a notice of violation under Section 11.84.345 within fifteen (15) days from the date of notice as contemplated by RCW 7.80.030(1) and 7.80.076(2)(K), a failure to appear at a hearing requested by the recipient of the notice as contemplated by RCW 7.80.160(2) and RCW 7.80.070(2)(K), and a failure to pay a penalty imposed under subsection A of this section, as contemplated by RCW 7.80.160(3).
- C. If the court determines that a person has insufficient funds to pay the monetary penalty, the court may order performance of a number of hours of community service instead.

(Ord. 116701 § 3, 1993.)

11.31.130 - Order of court—Civil in nature.

An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances is civil in nature. (RCW 46.63.120)

(Ord. [109476](#) § 1(part), 1980; Ord. [108200](#), § 2(11.31.130), 1979.)

Chapter 11.32 - CITATIONS

Sections:

11.32.020 - Service of citation.

Whenever any person is charged with any violation of this subtitle, other than a traffic infraction, the officer may serve upon him or her a traffic citation and notice to appear in court. Such citation and notice shall be handled and disposed of as set forth in RCW 46.64.010 and also shall conform with the requirements of RCW 46.64.010 and be in the form prescribed in RCW 46.64.015. (RCW 46.64.010, 46.64.015)

(Ord. 123946, § 8, 2012; Ord. [109476](#) § 3(part), 1980; Ord. [108200](#), § 2(11.32.020), 1979.)

11.32.080 - Return of citation.

The original or a copy of every citation issued by an enforcement officer shall be transmitted to the Municipal Court of Seattle as soon as is practicable. (RCW 46.64.010)

(Ord. [108200](#), § 2(11.32.080), 1979.)

11.32.160 - Cancellation.

No person shall cancel or solicit the cancellation of any citation in any manner other than as provided in this chapter.

(Ord. [108200](#), § 2(11.32.160), 1979.)

Chapter 11.34 - PENALTIES

Sections:

11.34.020 - Penalties for criminal offenses

- A. Any person convicted of any of the following offenses may be punished by a fine in any sum not to exceed \$5,000 or by imprisonment for a term not to exceed 364 days, or by both such fine and imprisonment:
1. Subsection 11.22.070.B, Licenses and plates required—Penalties—Exceptions;
 2. Section 11.22.090, Vehicle trip permits—Restrictions and requirements—Penalty;
 3. Section 11.22.200, Special license plates—Hulk hauler;
 4. Section 11.23.400, Disabled parking—Enforcement;
 5. Section 11.30.340, Vehicle immobilization prohibited;
 6. Section 11.55.340, Vehicles carrying explosives, flammable liquids, poison gas, liquefied petroleum gas (LPG) and cryogenics must stop at all railroad grade crossings;
 7. Section 11.56.120, Reckless driving;
 8. Section 11.56.130, Reckless endangerment of roadway workers;
 9. Section 11.56.140, Reckless endangerment of emergency zone workers;
 10. Subsection 11.56.320.B, Driving while license is suspended or revoked in the first degree;
 11. Subsection 11.56.320.C, Driving while license is suspended or revoked in the second degree;
 12. Section 11.56.330, Violation of an occupational, temporary restricted or ignition interlock driver's license;
 13. Section 11.56.340, Operation of motor vehicle prohibited while license is suspended or revoked;
 14. Section 11.56.350, Operation of a motor vehicle without required ignition interlock or other biological or technical device;
 15. Section 11.56.355, Tampering with or assisting another in circumventing an ignition interlock device;
 16. Section 11.56.420, Hit and run (attended);
 17. Section 11.56.445, Hit and run (by unattended vehicle);
 18. Section 11.56.450, Hit and run (pedestrian or person on a device propelled by human power);
 19. Section 11.60.690, Transportation of liquefied petroleum gas;
 20. Section 11.62.020, Flammable liquids, combustible liquids and hazardous chemicals;
 21. Section 11.62.040, Explosives;
 22. Subsection 11.74.160.B, Failure to secure load in the first degree;
 23. Subsection 11.80.140.B, Certain vehicles to carry flares or other warning devices (subsection B only);

24. Subsection 11.80.160.E, Display of warning devices when vehicle disabled (subsection E only);
 25. Subsection 11.84.370.D, Using, selling or purchasing a signal preemption device except as authorized;
 26. Section 11.84.380, Fire extinguishers;
 27. Section 11.86.080, Flammable or combustible labeling;
 28. Section 11.86.100, Explosive cargo labeling;
 29. Section 11.34.040, with respect to aiding and abetting the foregoing criminal offenses.
- B. Any person convicted of any of the following offenses may be punished by a fine in any sum not to exceed \$1,000 or by imprisonment for a term not to exceed 90 days, or by both such fine and imprisonment:
1. Section 11.20.010, Driver's license required—Exception—Penalty, unless the person cited for the violation provided the citing officer with an expired driver's license or other valid identifying documentation under RCW 46.20.035 at the time of the stop and was not in violation of Section 11.56.320 or Section 11.56.340, in which case the violation is an infraction;
 2. Section 11.20.100, Display of nonvalid driver's license;
 3. Section 11.20.120, Loaning driver's license;
 4. Section 11.20.140, Displaying the driver's license of another;
 5. Section 11.20.160, Unlawful use of driver's license;
 6. Section 11.20.200, Unlawful to allow unauthorized person to drive;
 7. Subsection 11.20.350.C, Providing false evidence of financial responsibility;
 8. Section 11.22.025, Transfer of ownership;
 9. Subsection 11.23.400.B, Unlawfully obtaining placard or special license plate;
 10. Subsection 11.23.400.C, Unlawful sale of placard or special license plate;
 11. Section 11.32.160, Cancellation of citation;
 12. Section 11.40.180, Standard of care for drivers of motor vehicles - blind pedestrians carrying white cane or using guide dog;
 13. Section 11.40.430, Prohibited entry to no admittance area;
 14. Subsection 11.56.320.D, Driving while license is suspended or revoked in the third degree;
 15. Section 11.56.430, Hit and run (unattended vehicle)—Duty in case of accident with unattended vehicle;
 16. Section 11.56.440, Hit and run (property damage)—Duty in case of accident with property;
 17. Subsection 11.58.005.A, Negligent driving in the first degree;
 18. Section 11.58.190, Leaving minor children in unattended vehicle;
 19. Section 11.59.010, Obedience to peace officers, flaggers, and firefighters;
 20. Section 11.59.040, Refusal to give information to or cooperate with officer;
 21. Section 11.59.060, Refusal to stop;
 22. Section 11.59.080, Examination of equipment;
 23. Section 11.59.090, Duty to obey peace officer—Traffic infraction;
 24. Section 11.66.240, Obstructing or delaying train;

25. Subsection 11.74.160.C, Failure to secure load in the second degree;
26. Subsection 11.84.370.C, Possessing signal preemption device except as authorized;
27. Section 11.34.040, Aiding and abetting with respect to the criminal offenses in this subsection 11.34.020.B.

(Ord. [124950](#), § 6, 2015; Ord. [124686](#), § 3, 2015; Ord. 123632, § 11, 2011; Ord. 123420, § 10, 2010; Ord. 123420, § 9, 2010; Ord. 122742, § 7, 2008; Ord. 120885, § 3, 2002; Ord. [119189](#), § 5, 1998; Ord. [119011](#), § 10, 1998; Ord. 118105, § 3, 1996; Ord. 116872, § 3, 1993; Ord. 116538, § 2, 1993; Ord. 115757, § 1, 1991; Ord. 115040, § 5, 1990; Ord. [112975](#), § 2, 1986; Ord. [112466](#), § 3, 1985; Ord. [111859](#), § 4, 1984; Ord. [109476](#), § 3(part), 1980; Ord. [108200](#), § 2(11.34.020), 1979.)

11.34.040 - Aiding and abetting violation.

It is unlawful to counsel, aid, or abet the violation of or failure to comply with any of the provisions of this subtitle.

(Ord. [108200](#), § 2(11.34.040), 1979.)

Chapter 11.35 - IMMOBILIZATION

Sections:

11.35.010 - Scofflaw list

- A. When there are four or more parking citations issued against a vehicle for each of which a person has failed to respond, failed to appear at a requested hearing, or failed to pay amounts due for at least 45 days from the date of the filing of each of those citations, the Seattle Municipal Court shall place the vehicle on a list of scofflaws, and shall mail, by first class mail, a notice to the last known registered owner of the vehicle, as disclosed by the vehicle license number as provided by the Washington State Department of Licensing or equivalent vehicle licensing agency of the state in which the vehicle is registered. If there is no last known address that can be ascertained from the Washington Department of Licensing, or if the vehicle has no Washington vehicle license number or is not registered in the State of Washington, the notice, in the form of a readily visible notification sticker, may be affixed to the vehicle while left within a public right-of-way or other publicly owned or controlled property. A notification sticker may be used in lieu of mailing even if the last known address is ascertainable for vehicles registered in the State of Washington.
- B. The registered vehicle owner may request an administrative review at the Seattle Municipal Court at any time that the vehicle is on the scofflaw list until the vehicle has been immobilized or impounded. The review should only examine whether the vehicle is properly on the scofflaw list and shall not review the underlying citations that caused the vehicle to be included on the scofflaw list. The vehicle shall be removed from the list only upon a showing by the registered owner that either:
 1. fewer than four of the citations that caused the vehicle to be included on the scofflaw list were committed while the current registered owner was the legal owner of the vehicle; or
 2. all amounts due pertaining to the citations that met the criteria for scofflaw under Section 11.35.010 A have been satisfied in full.
- C. A vehicle shall remain on the scofflaw list until all outstanding parking infraction penalties, court costs (including but not limited to collection agency remuneration authorized under RCW 3.02.045), default penalties on parking traffic infractions imposed under Section 11.31.120, immobilization release fees imposed under subsection 11.35.020.H, costs of impoundment (including removal,

towing and storage fees) imposed under Section 11.30.120, towing administrative fees imposed under Section 11.30.290 and immobilization administrative fees under subsection 11.35.020.H, and interest, have been paid, or a time payment plan has been arranged with the Seattle Municipal Court or their authorized agent.

- D. When a time payment plan is created, the subject vehicle shall be temporarily removed from the scofflaw list and the payment amounts shall be applied on a pro rata basis until all penalties, fines or fees owed relating to all parking citations are satisfied. A vehicle that has been temporarily removed from the scofflaw list shall be returned to the list if the owner defaults on the time payment agreement, in accordance with guidelines adopted by the Seattle Municipal Court.

(Ord. 124558, § 1, 2014; Ord. 123563, § 1, 2011; Ord. 123447, § 1, 2010)

11.35.020 - Immobilization

- A. Effective July 1, 2011 and thereafter, if the notice requirements under Section 11.35.010 A have been met, and if parked in public right-of-way or on other publicly owned or controlled property, a vehicle on the scofflaw list may be immobilized by installing on such vehicle a device known as a "boot," which clamps and locks onto the vehicle wheel and impedes vehicle movement. If a vehicle is immobilized, it shall not be released until full payment has been made, or a time payment agreement has been entered into for all outstanding penalties, fines, or fees owed for all parking citations, plus all immobilization, towing, and storage charges and administrative fees.
- B. Any vehicle that remains booted for 48 hours or more, not including any of the 48 hours from the beginning of Saturday until the end of Sunday, or which becomes illegally parked while booted, shall be subject to towing and impoundment pursuant to Section 11.30.040. The Seattle Department of Transportation and Seattle Police Department shall issue joint guidelines for vehicle towing related to immobilization, based on Sections 11.30.040 and 11.16.320.
- C. The person installing the boot shall leave under the windshield wiper or otherwise attach to the vehicle a notice advising the owner that the vehicle has been booted by the City of Seattle for failure to respond, failure to appear at a requested hearing, and failure to pay amounts due for four or more adjudicated parking infractions for at least 45 days from the date of the last such adjudication issued against the vehicle; that release of the boot may be obtained by paying all outstanding penalties, fines, or forfeitures owed relating to all adjudicated violations, plus all booting, removal, towing, and storage charges and administrative fees; that unless such payment is made within two business days of the date of the notice, the vehicle will be impounded; that it is unlawful for any person to remove or attempt to remove the boot, to damage the boot, or to move the vehicle with the boot attached, unless authorized by the Seattle Police Department or an authorized agent of the City; and that the owner may seek an administrative review of the booting by submitting a request to the Seattle Municipal Court within ten days of the release of the boot. The notice shall further state that the vehicle remains subject to impoundment regardless of whether the owner requests an appeal.
- D. The vehicle may be released from immobilization when the vehicle owner or an agent of the owner pays all outstanding parking infraction penalties, court costs (including but not limited to collection agency remuneration authorized under RCW 3.02.045), default penalties on parking traffic infractions imposed under Section 11.31.120, immobilization release fees imposed under subsection 11.35.020.H, costs of impoundment (including removal, towing and storage fees) imposed under Section 11.30.120, towing administrative fees imposed under Section 11.30.290 and immobilization administrative fees under subsection 11.35.020.H, and interest, or enters into a time payment agreement for the payment thereof. Upon full payment or upon entry into a time payment agreement, the Seattle Police Department or other authorized agent of the City shall promptly remove or enable the removal of the boot from the vehicle. If payment is made in full, the vehicle shall be removed from the scofflaw list and shall not be subject to immobilization or impoundment for the paid citations. Upon entry into a time payment agreement, the vehicle shall be temporarily removed from the scofflaw list and shall not be subject to immobilization, provided, however, that the vehicle shall be returned to the scofflaw list and be subject to immobilization if the owner defaults on the time

payment agreement. A registered owner who defaults on a time payment agreement shall not be given another opportunity to make a time payment arrangement and therefore, payment for all outstanding amounts above shall be made in full before the vehicle may be removed from the scofflaw list or released from immobilization or impound. Any person who has previously removed or enabled removal of a booting device in violation of subsection E while on the scofflaw list for any four or more parking infractions, and subsequently is booted a second time while on the scofflaw list for the same parking infractions, shall not be eligible for a time payment plan.

- E. No person other than an authorized employee of the Seattle Police Department or an authorized agent of the City shall remove or enable the removal of the boot described in subsection A of this Section from any vehicle on which it has been installed unless the requirements of subsection D have been met.
- F. If the Seattle Police Department or an authorized agent of the City enables the vehicle owner to remove the boot, the owner shall return the boot to a location designated by the Department within two calendar days of the removal.
- G. No person, other than an authorized employee of the Seattle Police Department or other authorized agent of the City, shall move, by towing or other means, any vehicle after it has been immobilized but before the boot has been removed.
- H. The Director of Finance and Administrative Services shall determine and set an immobilization fee and an administrative fee in amounts such that the sum of such fees do not exceed the sum of the lowest impound fee, minimum storage fee, and administrative fee for vehicle impoundment under Section 11.30.120. An administrative fee, if any, shall be levied when the boot is removed. The administrative fee shall be collected by the contractor releasing the vehicle from immobilization, shall be remitted to the Department of Finance and Administrative Services, and shall be deposited in an appropriate account.
- I. A person who fails to return the booting device within the time frame required by subsection F of this section may be charged a late fee as determined by the Director of Finance and Administrative Services.
- J. A person who intentionally damages the booting device may be charged a replacement fee as determined by the Director of Finance and Administrative Services and also may be prosecuted for the crime of property destruction under section 12A.08.020.
- K. The Director of Finance and Administrative Services shall adopt rules governing the imposition of fees under this Section 11.35.020.

(Ord. 124558, § 2, 2014; Ord. 123563, § 2, 2011; Ord. 123447, § 1, 2010)

11.35.030 - Post-immobilization review

The registered vehicle owner may seek a post-deprivation review of the immobilization by submitting a written request to the Seattle Municipal Court within ten days of the placement of the notice on the vehicle, as established by the notice date. Upon timely receipt of such written request, the Seattle Municipal Court shall, within a reasonable time as established by the Court, conduct a review on the issue of whether the immobilization was proper and shall issue a written decision setting forth the reasons on which the decision is based, provided, however, that any previously adjudicated parking infractions that formed the basis of the vehicle's scofflaw status shall not be subject to the review. The person seeking review shall have an opportunity to present evidence on his or her behalf in accordance with requirements established by the Court.

(Ord. 123447, § 1, 2010)

WAC 446-20-260

Auditing of criminal history record information systems.

(1) Every criminal justice agency, including contractors authorized to collect, retrieve, maintain, and disseminate criminal history record information pursuant to WAC **446-20-180**, must make its records available under RCW **10.97.090**(3) to determine the extent of compliance with the following:

- (a) Dissemination records as required under RCW **10.97.050**(7);
- (b) Security procedures as required by RCW **10.97.090**(1); and
- (c) Personnel standards as required by RCW **10.97.090**(2).

(2) Personnel engaged in the auditing function will be subject to the same personnel security requirement as required under WAC **446-20-230**, **446-20-240**, and **446-20-250**, as employees who are responsible for the management and operation of criminal history record information systems.

[Statutory Authority: Chapters **10.97** and **43.43** RCW. WSR 10-01-109, § 446-20-260, filed 12/17/09, effective 1/17/10. Statutory Authority: RCW **10.97.080** and **10.97.090**. WSR 80-08-057 (Order 80-2), § 446-20-260, filed 7/1/80.]

JAY INSLEE
Governor



JOHN R. BATISTE
Chief

STATE OF WASHINGTON
WASHINGTON STATE PATROL

General Administration Building • PO BOX 42602 • Olympia, WA 98504-2602 • (360) 596-4043 • www.wsp.wa.gov

March 11, 2014

Mr. Mark Knutson
Seattle Police Department
610 5th Ave
PO Box 34986
Seattle WA 98104

Dear Mr. Knutson:

Subject: WSP Memorandum of Understanding No. C141174GSC

Enclosed with this letter is one fully executed original of the referenced agreement between the Washington State Patrol and your organization. Please keep this original for your records.

The Washington State Patrol agreement tracking number is the agreement number referenced above; please use this number on all correspondence regarding this agreement. If you need further assistance, please contact Terri Johnson at (360) 596-4063 or terri.johnson@wsp.wa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Terri L. Johnson".

Do Mr. Robert L. Maki, CFE, CGFM
Budget and Fiscal Services

RLM: tj

Enclosure

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE WASHINGTON STATE PATROL
AND
THE SEATTLE POLICE DEPARTMENT

1. **PURPOSE:** The purpose of this Memorandum of Understanding (MOU) between the Washington State Patrol (WSP) and the Police Department for the City of the Seattle hereinafter referred to as the "parties", is to memorialize the parties' understanding regarding transmitting, receiving, and storage of information contained in the National Crime Information Center (NCIC) and Washington Crime Information Center (WACIC) systems of records made available through a data transfer program. The data provided by WSP will be used by Seattle Police Department as input to a law enforcement application.

WSP provides NCIC/WACIC data to the Seattle Police Department through WSP's A Central Computerized Enforcement Service System (ACCESS). Department has a separate agreement with WSP regarding access to, use of, and subsequent dissemination of information obtained through ACCESS, including NCIC/WACIC data. This MOU has no affect on that agreement.

2. **BACKGROUND:** The Federal Bureau of Investigation (FBI) maintains the NCIC system of records containing multiple files. WSP maintains the WACIC system of records containing multiple files. Information included may be stolen vehicles, vehicles wanted in conjunction with felonies, wanted persons, and vehicles subject to seizure based on federal court orders.

The Seattle Police Department has instituted state-of-the-art license plate screening technology from mobile and fixed sites. The Seattle Police Department's vendors provide software and screening devices that have the capability of scanning license plates and searching a local database loaded into a patrol vehicle computer or other locations controlled by the agency. The Seattle Police Department has requested to obtain relatively current information from the NCIC and WACIC files in order to compare scanned numbers against stolen license plates. The Seattle Police Department certifies its vendors providing license plate screening technology do not have access to NCIC/WACIC data provided to the Seattle Police Department by WSP.

3. **SCOPE:** This MOU applies to WSP making information from the NCIC and WACIC Vehicle File, License Plate File and Wanted Person File available to Seattle Police Department via a secure FTP Server environment.

A. WSP will:

- 1) Provide the Seattle Police Department with the data elements and disqualifying items are described in Attachment 1, Data Elements and Handling Instructions, which is attached hereto and incorporated herein.
- 2) Provide updated extract information on a mutually agreed to frequency;
- 3) Respond to specific inquiries from the Seattle Police Department; and

4) Provide the Seattle Police Department with the name and telephone number of a technical and an administrative point of contact.

B. the Seattle Police Department will:

- 1) Use the NCIC and WACIC extracts for law enforcement purposes;
- 2) Update its local database as FBI and WACIC updates become available via WSP, ensuring that those numbers deleted from the NCIC/WACIC system are also deleted from all local databases;
- 3) Confirm extract hits are still active in NCIC and WACIC, at the earliest reasonable opportunity, in accordance with current hit confirmation policy;
- 4) Provide the WSP with the name and telephone number of a technical and an administrative point of contact; and
- 5) Ensure that the Seattle Police Department's use and dissemination of data provided by WSP under this MOU is in accordance with federal and state laws and regulations, including but not limited to the FBI's Criminal Justice Systems Information (CJIS) regulations.

4. FUNDING: Each party will fund its own activities unless otherwise agreed in writing. PCSO has a separate agreement with WSP for use of ACCESS. This MOU has no affect on that agreement, or the rates and fees WSP charges for the services provided thereunder.

5. LIAISON REPRESENTATIVES

For the Washington State Patrol:

Mr. Jim Anderson, Administrator
Criminal Records Division
PO Box 42619
Olympia WA 98504-2619
Phone: (360) -534-2101
Fax: (360) - 534-2070
E-mail: jim.anderson@wsp.wa.gov

For the City of Seattle Police Department:

Mr. Mark Knutson, IT Manager
Information Technology Section
610 5th Ave , PO Box 34986
Seattle WA 98104
Phone: (206) - 684-0970
Fax: (206) - 684-5109
Email: Mark.Knutson@seattle.gov

5. CONFIDENTIAL INFORMATION: The Seattle Police Department acknowledges that some of the material and information that may come into its possession or knowledge in connection with this MOU or its performance may consist of information that is exempt from disclosure to the public or other unauthorized persons under either chapter 42.56 RCW or other state or federal statutes ("Confidential Information"). Confidential Information includes, but is not limited to, names, addresses, Social Security numbers, e-mail addresses, telephone numbers, financial profiles, credit card information, driver's license numbers, medical data, law enforcement records, agency source code or object code, agency security data, or information identifiable to an individual that relates to any of these types of information. The Seattle Police Department agrees to hold Confidential Information in strictest confidence and not to make use of Confidential Information for any purpose other than the performance of this MOU, to release it only to authorized employees requiring such information for the purposes of carrying out this MOU, and not to release, divulge, publish, transfer, sell, disclose, or otherwise make it known to any other party without WSP's

express written consent or as provided by law. Furthermore, the Seattle Police Department's use and dissemination of NCIC data provided by WSP under this MOU is governed by the Seattle Police Department's agreement with WSP regarding access to, use of, and subsequent dissemination of NCIC data and other information obtained through ACCESS.

6. SETTLEMENT OF DISPUTES: Disagreements between the parties arising under or relating to this MOU will be resolved only by consultation between the parties and will not be referred to any other person or entity for settlement.

7. AMENDMENT, TERMINATION, ENTRY INTO FORCE, AND DURATION:

A. All activities of the parties under this MOU will be carried out in accordance to the above-described provisions.

B. This MOU may be amended or terminated by the mutual written consent of the parties' authorized representatives.

C. Either party may terminate this MOU upon 30 days written notification to the other party. The parties will continue participation up to the effective date of termination.

8. This MOU, which consists of eight Sections, will enter into effect upon signature of both parties, will be reviewed annually to determine whether amendments are needed, and will remain in effect until terminated. This MOU is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law or otherwise by any third party against the parties, their parent agencies, the United States, or the officers, employees, agents, or other associated personnel thereof.

The foregoing represents the understandings reached between the WSP and the Seattle Police Department.

State of Washington
Washington State Patrol



John R. Batiste, Chief

Date

Seattle Police Department



Signature

Date

NCIC/WACIC Data Elements and Handling Instructions

- 1) Data Elements: WSP will transmit to the Seattle Police Department information from the Vehicle File, License Plate File, and vehicle information from the Wanted Person Files.
- 2) Data Handling
 - a) If the Seattle Police Department has no need for a particular class of data, they will delete that data immediately on receipt.
 - b) Record updates are accomplished by record replacement. The Seattle Police Department may have to compare a new data file with former files provided by WSP in order to determine any changes.
 - c) If a record is present within the Seattle Police Department's application and not present in the transferred file from WSP, the record has been removed for operational reasons by local law enforcement. Reasons for that removal include cancellation of the subject plate, or the vehicle has been located.
 - d) The Seattle Police Department will not retain any data file provided by WSP longer than 30 calendar days.
 - e) The Seattle Police Department will not enter or modify NCIC/WACIC data directly.
- 3) Schedule: WSP shall refresh the data files provided to the Seattle Police Department in a mutually agreed upon process and at agreed upon intervals. WSP shall notify the Seattle Police Department if files will not be available due to problems or of updated code tables.
- 4) Problem Reporting: Problem reporting by WASPC under this MOU is governed by Attachment 2, WSP Secure FTP Problem Notification Procedures, which is attached hereto and incorporated into this MOU herein.

WSP Secure FTP Problem Notification Procedures

- When a problem with acquiring data occurs with the WSP Secure FTP Server, the Seattle Police Department will call WSP ITD Customer Services at (360) 705-5999 or send an e-mail to ITDcustomerservicesg@wsp.wa.gov explaining the issue and having a work order opened. The Seattle Police Department will include identifying information about the Seattle Police Department staff that identified the problem in the explanation with e-mail address and phone number(s).
- The WSP Information Technology Division (ITD) Customer Services group will escalate the work order to the appropriate ITD group.
- That group will notify the Seattle Police Department that the issue is being worked on or has been completed.
- If there is no contact within four business hours, the Seattle Police Department should do a follow-up contact.
- The ITD Customer Services group working the problem may call or send e-mail to the Seattle Police Department in order to determine problem particulars or to request testing. The Seattle Police Department will only call or e-mail that person or group in the context of an existing, open problem, and not for new problems.
- Once the Seattle Police Department is satisfied with the results, the work order will be closed. Another work order should be opened for any new problem with receiving data from the WSP Secure FTP Server. The prior work order can be cited by the Seattle Police Department in any subsequent work orders if it seems relevant.