



MAINTAINING PUBLIC RECORDS

As an employee of the Seattle Police Department, you will have access to confidential public records and files. These records must be maintained and kept by the Police Department according to standards set out in state statutes. Also, the information contained in many internal Police Department records are confidential and may only be released to authorized personnel under specific conditions.

It is very important that you are familiar with Washington State statutes covering records maintenance and confidentiality. You should also be familiar with City of Seattle ordinances that govern these same subjects. The following is a summary of Washington State records laws which is provided to assist you with your job responsibilities. This list is not intended to be exclusive and is only a guide to the most common records regulations. If you have questions or need clarification, you must direct your questions to Seattle Human Resources.

Record and File Maintenance

Washington State law requires that all public records be kept and remain the property of the agency that creates or receives them. Public records as defined in **RCW 40.14** may not be destroyed unless authorized in accordance with the Seattle Police Department's official retention schedule.

The penalties for entering false information or tampering with City records are serious. The following City of Seattle Personnel Rules provisions and/or Revised Code of Washington (RCW) state statutes may apply:

Discipline

Personnel Rules 1.3.3 (A)(7) provides that, "Falsifying or destroying the business records of the employer at any time or place without authorization" is a major disciplinary offense.

Injury to Public Record

RCW 40.16.010 provides that "Every person who shall willfully and unlawfully remove, alter, mutilate, destroy, conceal, or obliterate a record, map, book, paper, document, or other thing filed or deposited in a public office, or with any public officer, by authority of law, is guilty of a class C felony and shall be punished by imprisonment in a state correctional facility for not more than five years, or by a fine of not more than one thousand dollars, or by both." **NOTE:** This is the penalty in conjunction with public records management as described in RCW 40.14.

Tampering with Physical Evidence

RCW 9A.72.150 provides that, "(1) A person is guilty of tampering with physical evidence if, having reason to believe that an official proceeding is pending or about to be instituted and acting without legal right or authority, he or she: (a) Destroys, mutilates, conceals, removes, or alters physical evidence with intent to impair its appearance, character, or availability in such pending or prospective official proceeding; or (b) Knowingly presents or offers any false physical evidence. (2) "Physical evidence" as used in this section includes any article, object, document, record, or other thing of physical substance. (3) Tampering with physical evidence is a gross misdemeanor."

Requesting Unlawful Compensation

RCW 9A.68.020 provides that, “(1) A public servant is guilty of requesting unlawful compensation if he or she requests a pecuniary benefit for the performance of an official action knowing that he or she is required to perform that action without compensation or at a level of compensation lower than that requested. (2) Requesting unlawful compensation is a class C felony.”

Forgery

RCW 9A.60.020 provides that, “(1) A person is guilty of forgery if, with intent to injure or defraud: (a) He or she falsely makes, completes, or alters a written instrument or; (b) He or she possesses, utters, offers, disposes of, or puts off as true a written instrument which he or she knows to be forged. (2) Forgery is a class C felony.”

Confidentiality of Records

The Criminal Records Privacy Act, **RCW 10.97**, generally prohibits any dissemination of non-conviction data outside the law enforcement community. Non-conviction is defined as “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.”

A violation of this statute may lead to serious discipline, up to and including termination, as well as civil and criminal penalties. Specifically, **RCW 10.97.120** provides that any person who violates the statute may be charged with a misdemeanor for each single violation.

RCW 13.50.050 & 13.50.100 provides that all information or records pertaining to Juveniles are declared to be confidential may be released only as provided by these sections and RCW 13.50.010.

RCW 46.52.120 provides that information on an individual’s driving record abstract is for the confidential use of the Police Department and may not be released to the public.

ACCESS/WACIC/NCIC User Acknowledgment Contract. This document signed by the Chief of Police certifies in agreement that the Seattle Police Department employees shall not use any information obtained through this system for private business or personal reasons, or furnish any information so obtained to any other person for such use. The information will be used for criminal justice purposes only.

I have carefully read and understand this document.

Employee Signature

Date

Employee Name (Printed)

Serial Number