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# Audit of the Seattle Police Department's Public Disclosure Process

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### REPORT SUMMARY

We found significant gaps in the resources and systems that the Seattle Police Department (SPD) uses to process public records requests. These gaps hinder SPD's ability to ensure accurate and timely responses, provide reasonable assurance of compliance with state law, and promote transparency and public trust. To address these gaps, we recommend SPD take immediate action to: 1) create a position to allow the Public Disclosure Unit (PDU) manager to focus on supervision and process improvements; and 2) implement request management software. We also recommend SPD improve the PDU staff's access to records, redesign the PDU's process, establish performance goals, develop a staffing model for the PDU, and improve the PDU's communication with the public.

# Audit of the Seattle Police Department's Public Disclosure Process

## SEATTLE OFFICE OF CITY AUDITOR

### Report Highlights

#### Background

The Seattle Police Department (SPD) received almost 4,700 requests for public records in 2014. Many SPD records requests require complex searches of multiple records systems, coordination with staff throughout the department, and a careful review to ensure legal exemptions are applied accurately and all responsive records have been located. This work is further complicated by the fact that the Washington State Public Records Act, which governs the handling of requests, is often revised by the State Legislature and is continually interpreted by the courts. Furthermore, errors in handling requests can be costly, as non-compliance with the Act carries significant financial penalties, and mistakes damage public trust in SPD. Due to this combination of high workload, complex legal environment, and importance to the public, SPD's Public Disclosure Unit (PDU) is challenged with being as efficient and timely with its responses as possible while also ensuring it is rigorous and accurate in its searches for and reviews of records.

#### What We Found

We identified strengths in the PDU's processes, including regular communication with City Attorney staff and an experienced and dedicated manager. However, we also identified significant gaps in the resources and systems SPD uses to process public records requests. These gaps hinder SPD's ability to ensure accurate and timely responses, provide reasonable assurance of compliance with state law, and promote transparency and public trust.

#### Recommendations

We made 13 recommendations. Our first two recommendations address critical gaps in PDU resources and systems and will provide immediate improvements to the Unit's efficiency and accountability: 1) Create a position to handle the unit manager's current caseload so she can focus on supervision and process improvements; and 2) implement records request management software that facilitates the handling of requests, including documentation. We made additional recommendations to improve the PDU staff's access to records, redesign the PDU's process to reduce inefficiencies and the risk of errors, establish performance goals for handling public records requests, develop a staffing model for the PDU, and improve the PDU's communication with the public. SPD agreed with the report's recommendations.



#### WHY WE DID THIS AUDIT

This audit was conducted at the request of the Seattle City Council. They asked us to:

1. Examine how SPD receives, tracks, and fulfills public records requests; and
2. Determine whether recommendations related to SPD's public disclosure process from our 2012 audit of SPD's In-Car Video Program were implemented.

#### HOW WE DID THIS AUDIT

To accomplish our audit objectives we met with state and local associations and agencies about public disclosure in Washington state, interviewed SPD managers and staff about their processes for handling public records requests, reviewed a sample of 200 SPD public records requests, analyzed the reasons for City of Seattle payments related to SPD violations of the Public Records Act, and conducted a survey of local law enforcement agencies.

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## I. INTRODUCTION

### Audit Objectives

During the 2014 budget process, the Seattle City Council asked us to examine the Seattle Police Department's (SPD) processes for receiving, tracking, and fulfilling public records requests. They also asked us to determine whether recommendations from our 2012 audit of SPD's In-Car Video Program had been implemented.

We evaluated SPD's Public Disclosure Unit's processes and systems to determine the following:

- Do current processes include sufficient controls and oversight to ensure responses are accurate, consistent, and timely?
- Do current processes and systems for handling public records requests provide reasonable assurance of compliance with legal requirements?
- Are the Public Disclosure Unit's processes transparent to the public and do they promote public trust?

Our assessment of SPD's public disclosure process, and recommendations for how it could be improved, can be found on pages 3-14 of this report. Our report on the status of recommendations from our 2012 report of SPD's In-Car Video Program can be found on page 20.

We conducted our audit from May through December 2014. We conducted this performance audit in accordance with generally accepted government auditing standards. As requested by the Seattle City Council, we worked in collaboration with the City Attorney's Office on this audit. Additionally, SPD management and staff reviewed the draft report and provided written comments in response to our recommendations (see Appendix F for these comments). For further information on the objectives, scope and methodology of this audit, see Section III of this report.

### Background

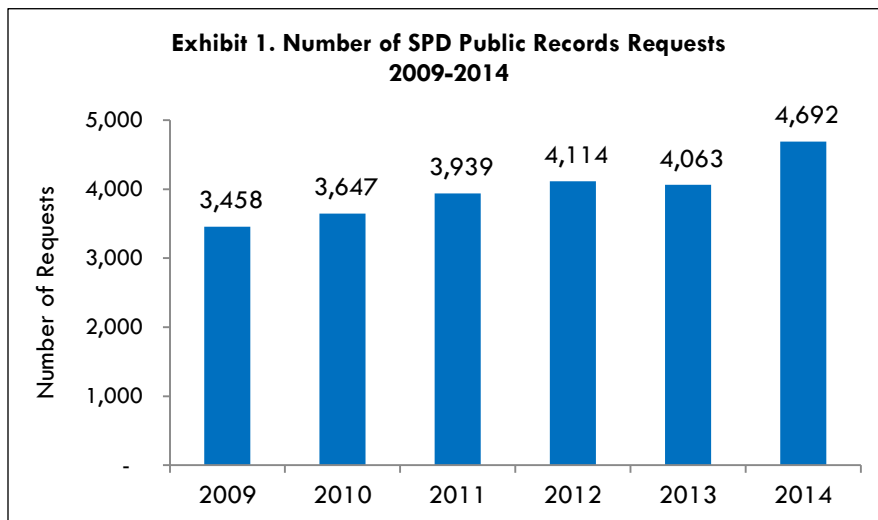
#### Challenges in Handling Public Records Requests

The handling of public records requests is an evolving field, as the Washington law governing the handling of requests is frequently revised by the state legislature and is continually being interpreted by the courts. Additionally, many jurisdictions are trying to determine the most appropriate way to staff and support the function of responding to public records requests while also managing significant increases in the number and complexity of requests.<sup>1</sup>

The Seattle Police Department faces these same challenges. In 2014, SPD received almost 4,700 requests for public records, and many SPD records requests require complex searches of multiple records systems, coordination with staff in multiple units throughout the department, and a careful review of records to ensure legal exemptions are applied accurately and all responsive records have been located. Exhibit 1 illustrates the increase in SPD public records requests over the past six years, from about 3,500 requests in 2009 to almost 4,700 requests in 2014. In Appendix C, we include a more detailed description of the types of public records requests currently received by SPD.

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<sup>1</sup> According to the Municipal Research Services Center, a non-profit organization whose mission is to support effective local government in Washington State, the number one inquiry they receive from the counties, cities, and other special purpose districts they serve is related to how to manage and respond to public records requests.



Source: Office of City Auditor analysis of SPD data.

Recent advances in technology also pose new challenges related to public records requests. For example, body worn cameras, which are currently being piloted by SPD, have the potential to significantly increase the SPD Public Disclosure Unit's (PDU) workload. The Washington State Attorney General has already stated that recordings made by body cameras qualify as public records and are subject to the Public Records Act, and has recommended that agencies give significant thought to how to categorize and store recordings when establishing a body camera system. While SPD is currently exploring options to address this additional influx of large volumes of video recordings, including developing or obtaining software to more efficiently redact exempt information from video recordings, these issues have not yet been resolved and remain a challenge for SPD.<sup>2</sup>

### Impact on Legal Liability and Public Trust

Errors in handling a public records request can be costly, as lack of compliance with the State law carries significant financial penalties. Between 2008 and 2014, the City of Seattle (City) paid \$811,000 in judgments and settlements for violations of the Washington State Public Records Act related to SPD records. Working with the City Attorney's Office, we found that 65 percent, or \$524,500, of this amount resulted from changing interpretations of State law by Washington courts. However, the remaining 35 percent, or \$286,500, resulted from factors we consider to be under SPD's control.

Moreover, an entity's processes for handling public records requests affect public trust. Several state entities (e.g., Municipal Research Services Center and Washington State Office of the Attorney General) have identified transparency and customer service as important objectives for handling requests for public records.

All these factors highlight the importance of SPD's public disclosure process. Below, we present the results of our examination of this process, including recommendations for how it could be improved.

<sup>2</sup> The use of body worn cameras also raises several questions related to privacy and access to public records. For example, should officers be permitted to turn off recording equipment inside a person's home if the request to stop recording is itself recorded? Should the Public Records Act (PRA) allow copies of recordings obtained through the PRA to be posted on the Internet for commercial purposes? According to the Washington State Attorney General, privacy questions like these are not definitively resolved under current law and will need to be addressed by either the legislature or by law enforcement agencies' policies for body mounted cameras.

## II. RESULTS AND RECOMMENDATIONS

### Summary

We identified strengths in the Public Disclosure Unit's processes, including regular communication with City Attorney staff and an experienced and dedicated manager.

However, we also identified significant gaps in the resources and systems SPD currently uses to process public records requests. These gaps affect SPD's ability to ensure accurate and timely responses, provide reasonable assurance of compliance with state law, and promote transparency and public trust.

To address these gaps, we make recommendations in five areas:

- (1) Address immediate staffing and technology needs to improve oversight, efficiency, and accountability.
- (2) Improve access to records to make searching for and copying responsive records more consistent, accurate, and efficient.
- (3) Revise SPD's current process for handling records requests to increase transparency, management controls, and efficiency.
- (4) Develop a workload and staffing model to ensure the Public Disclosure Unit is providing an appropriate level of service and can effectively manage and respond to changes in its workload.
- (5) Improve SPD's communication with the public and requestors to promote public trust and increase accountability.

As requested by the Seattle City Council, we also provide an update on the status of the recommendations from our 2012 audit of SPD's In-Car Video Program in Appendix A.

### 1. Immediate Staffing and Technology Needs

Our audit identifies several recommendations to improve SPD's handling of public records requests. However, two of these recommendations (i.e., Recommendations 1 and 2) are preliminary to the rest, as they address immediate gaps in supervision and technology. Both of these recommendations require that SPD provide additional resources to the Public Disclosure Unit (PDU). We believe these expenditures are necessary to improve internal controls over SPD's public records request process, reduce SPD's potential legal liability, and ensure the public receives requested records as quickly as possible.

#### Gaps in Supervision

Currently, the PDU is staffed with eight individuals: a manager and seven administrative staff members.<sup>3</sup> The administrative staff members work in teams to process the majority of public records requests, while the PDU manager divides her time between supervisory and management responsibilities and handling complex or sensitive public records requests. At the time of our audit, the PDU Manager had a caseload of over 75 requests, many of which were requests for multiple years of data, for large volumes of video, or for large numbers of internal records. With such a large caseload, the manager has very limited capacity to train and

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<sup>3</sup> Staffing for the PDU increased over the course of our audit, from five positions to eight. The majority of the requests we reviewed during our audit were received by SPD in January and February 2014, when the unit was staffed with one Manager, two Administrative Specialist 2 full-time equivalents (FTEs), and two Administrative Specialist 3 FTEs. In April 2014, the PDU received an additional Administrative Specialist 2 FTE; and in October 2014, the PDU received two long term temporary Administrative Specialist 2 staff members to assist with requests for large volumes of in-car video recordings.

supervise her staff, monitor and oversee current processes, and develop and implement improvements. The PDU manager estimated for us that she spends at least 90 percent of her time working on public records requests, leaving only 10 percent of her time for supervision and management of her staff and the PDU process as a whole.

Throughout our audit, we identified inefficiencies and risks associated with the lack of a manager dedicated solely to supervising and managing day to day operations of the Public Disclosure Unit, such as:

- Staff training is primarily “on the job” and formal legal guidance on interpreting the requirements of the Public Records Act is not documented.
- While processes have been developed to encourage staff to review each other’s work, there are inefficiencies and gaps in the current procedures. For example, there is no regular supervisory review of completed requests to identify errors, inconsistencies, or the need for additional guidance.
- There is very limited capacity within the unit to develop and document policies and procedures, make process or system changes, or develop long term strategies to improve the unit’s ability to respond to changes in workload and legal requirements. This is a significant risk given the evolving nature of the field.

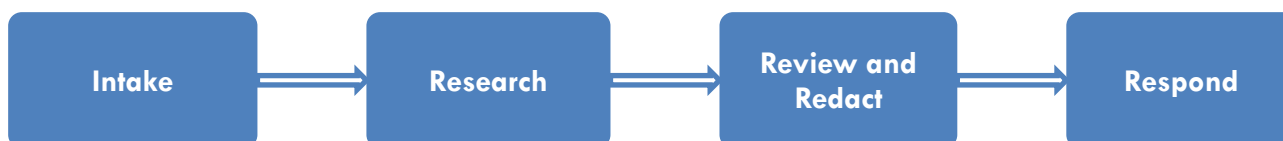
We recommend the immediate addition of another full-time equivalent (FTE) position to the PDU. The new position should take over the manager’s current caseload of requests, thus freeing the manager to address the other recommendations in our audit and also to improve daily oversight and management of the unit’s operations. Since the manager’s current caseload includes the highest risk or most complicated requests received by SPD, we are recommending that SPD fill the position with an individual with a public records or legal background.

**Recommendation 1:** The Seattle Police Department should create a new position to handle the Public Disclosure Unit Supervisor’s current caseload of complex requests.

### Gaps in Technology

Our second preliminary recommendation is designed to address the PDU’s immediate need for technology that supports and facilitates the handling of public records requests, including documentation of key information about each request. Without software that automates and tracks activities related to each individual request, the PDU relies on a manual process of moving requests through each phase of processing, including intake, research and compilation of records, review and redaction of records, and response. Exhibit 2 below illustrates the major phases through which requests are moved manually.

### Exhibit 2. Basic Steps in the Public Disclosure Unit’s Process



See Appendix D on page 24 for a detailed overview of the PDU’s current process for handling public records requests.

As described in Exhibit 8, Appendix D, current processes often require staff to move a physical file from person to person and track information in multiple places. Additionally, new requests are not automatically logged into an electronic tracking system upon receipt, creating the risk that a request could be lost or misplaced. When requests are entered into the PDU's electronic tracking log, all data entry is manual and there are no system controls to ensure data is complete or reliable.

Moreover, the PDU tracks only limited information about how each request was handled and which records were provided to the requestor. Currently, PDU staff record details about requests in two different places. They 1) record basic information in the PDU's electronic tracking log, called the Legal Log, and 2) add written notes and copies of emails to the physical files created for each individual request. Not only do staff have to track data in two different places, but neither process ensures that complete and accurate data is tracked for all requests. As a result, it can be difficult to determine exactly how completed requests were resolved or to document details about the unit's workload (such as number of records requests or number of 911 calls searched for). Additionally, it can be difficult for the PDU to search its records to determine whether specific records for a particular incident have been previously released and whether the PDU currently has a copy of those released records in their files.

Many local jurisdictions facing similar challenges in handling public records requests have implemented software that automates and simplifies significant steps in the handling of public records requests. For example, the cities of Olympia and Kirkland, and Snohomish and King counties, have purchased a software program that provides them with: 1) a public portal for receiving requests, 2) a way to track public records requests centrally, 3) improved documentation of all work performed to respond to requests, and 4) monthly management reports for monitoring performance. These capabilities would address some of the PDU's process and documentation challenges.

Given the high workload and high legal liability associated with handling public records requests, SPD should identify and implement similar request management software.

**Recommendation 2:** The Seattle Police Department should implement a new request management system for the intake and tracking of public records requests. In developing its set of system requirements and software options, the Department should carefully consider the work already completed in this area by multiple other jurisdictions.

Key system capabilities should include:

- A public portal that allows requestors to submit public records requests online and automates Public Disclosure Unit intake processes,
- Ability to electronically route requests through all phases of processing, including research and review,
- Automated tracking of activities related to request handling,
- Clear and searchable documentation of records provided, and
- Tracking of processing time and staff resources.

## 2. Gaps in Access to Records

In addition to the immediate staffing and technology needs described above, we also identified gaps in the PDU's access to records that can impede the timely, accurate, and consistent identification of requested records. To address these gaps, we make three recommendations to facilitate the efficient and effective identification of records throughout the department.



## Dedicated Systems Experts

We found that PDU staff do not have direct access to some of the SPD systems that store the most frequently requested records. For example, to search for and identify requested 911 calls and photos, the PDU relies entirely on personnel in SPD's Communications Center and Photo Unit. These staff may be experts in SPD records systems, but they are not dedicated to the PDU or experts in public disclosure. In these cases, the staff searching for records do not have direct contact with the request or the requestor and may not be knowledgeable about the PDU's processes. This increases the following risks to SPD's public disclosure processes:

- Requests can be misinterpreted, with the result that either insufficient or unnecessary, time-consuming searches are conducted.
- There can be delays in searching for time-sensitive records. For example, 911 calls expire and are erased from SPD systems after 90 days, and so it is essential that PDU staff are able to locate and save copies of 911 calls as soon as they are requested.
- Records systems staff may make incorrect assumptions about the work the PDU has already conducted to identify responsive records and inappropriately limit their searches of records.

For in-car video records, PDU staff can view and search for records themselves, but they must order copies from SPD's Video Unit. This step creates additional work for both the PDU and the Video Unit, and it can increase the time it takes to respond to requestors. The process is especially cumbersome when the PDU needs to redact a copy of an in-car video. In these cases, copies of requested videos are sent back and forth between the PDU and Video Unit so the PDU can identify sections of video that must be redacted and Video Unit staff can create a redacted version of the video. This back and forth between the PDU and the Video Unit is inefficient and results in longer response times for requestors. Further, the current process for searching for in-car videos gives PDU staff the ability to add incident number information to in-car videos they have not yet viewed. This step streamlines the Video Unit's process for copying requested records, but it introduces the risk that in-car video records could be mistakenly labeled with the incorrect incident number.

Within Recommendation 3 below, we make 3 recommendations to improve PDU access to three types of records that are frequently searched when responding to public records requests: 1) in-car video records stored in SPD's COBAN system; 2) 911 and dispatch records stored on SPD's NICE and Computer Aided Dispatch (CAD) systems; and 3) case-related photos stored in SPD's Digital Evidence Management System (DEMS) and photo archives.<sup>4</sup> We make a separate recommendation for each record type based on the risks created by current processes (e.g., that a record could expire before it is identified), the challenges involved in finding records, and inefficiencies in current processes. Each element of Recommendation 3 will ensure that records searches are conducted by staff knowledgeable about both public disclosure and specific SPD record systems.

**Recommendation 3:** To help ensure that records searches are conducted as efficiently and effectively as possible, we recommend that the Seattle Police Department (SPD):

**Recommendation 3a:** *For records maintained by SPD's Communications Center, such as 911 call recordings:* Assign a dedicated Communication Analyst to the Public Disclosure Unit (PDU) who reports to the PDU manager and understands Communication Center records and the Public Records Act.

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<sup>4</sup> COBAN is the vendor of SPD's system for managing in-car video recordings. NICE is the vendor of SPD's system for managing audio recordings of radio transmissions and emergency and non-emergency calls to SPD's dispatch center.

**Recommendation 3b:** *For records maintained by SPD's Video Unit, such as in-car video recordings:* Assign a dedicated Video Specialist to the PDU who reports to the PDU manager and understands SPD's in-car video records and the Public Records Act.

**Recommendation 3c:** *For Records maintained by SPD's Photo Unit, such as copies of photographs and digital audio statements:* Train SPD Photo Unit staff in the requirements of the Public Records Act, and clarify roles and responsibilities of PDU and Photo Unit staff members for searching for requested records.

The implementation of Recommendations 3a and 3b could require adding positions to SPD. Alternatively, SPD could reclassify current PDU positions to include records specialists (e.g., Communications Analyst and/or Video Specialist).

### **Designated PDU Contacts and Liaison**

We also found that in order to respond to more specialized requests, PDU personnel depend on staff in SPD sections who may have other priorities. For example, records of homicide investigations are often of high interest to the media and others. However, the detectives investigating these cases may be more focused on following leads, tracking down suspects, solving the case, and providing support to victims' families than they are on responding to a public records request. For this reason, SPD's Violent Crimes Section has designated a single point-of-contact for all public records requests. This was done to make things easier for the detectives and provide better service to the PDU. This centralized contact receives all records requests from the PDU to the section, identifies responsive records, obtains input from detectives on what can be disclosed (for open investigations), provides records to the PDU, and ensures that the section is responsive to the PDU. According to the Violent Crimes Section point-of-contact, her supervisor, and PDU staff, this system works well and expedites request processing. Establishing similar contacts in other SPD sections could streamline the identification of responsive records in other SPD sections and the provision of them to the PDU.

Further, PDU staff do not always know which SPD section to contact for records or even if the requested records exist. In these cases, a sworn officer assigned to act as a resource to the PDU could facilitate the research process. This officer could provide law enforcement expertise critical to understanding what types of records may exist, assist PDU staff in locating who within SPD has the record, and help ensure that the PDU gets responses from sections in a timely manner.

**Recommendation 4:** To ensure that the Public Disclosure Unit (PDU) can quickly locate and compile requested records from throughout the Seattle Police Department's (SPD) sections, all SPD sections should designate a single contact to work with the PDU. Additionally, SPD should assign a sworn officer to act as a PDU liaison to help locate and obtain copies of records.

### **Involvement in Records Management Decisions**

Our final recommendation in this area is intended to help ensure that the PDU is aware of all locations where SPD records may exist, and that Public Records Act requirements are considered during all decisions about SPD record management systems and the management of records created by new technologies.

**Recommendation 5:** Due to the potentially significant impact on the Public Disclosure Unit's (PDU) workload, the Seattle Police Department (SPD) should ensure that the PDU Manager and the SPD Records Manager are fully involved in planning related to management and retention of SPD records, including but not limited to, plans to manage video recordings and department-wide information technology system changes.

### 3. Process Improvements

During the course of our audit, the PDU manager revised the unit's records request processes to improve accountability over requests and to adjust to changes in workload and staffing. However, there are still opportunities to improve the efficiency of PDU processes and reduce the risk of errors in handling records requests. Additionally, during this period, the PDU completed a draft policies and procedures manual that they asked us to review. We identified key elements that should be added to the manual.

#### Process for Handling Requests

During our audit, we identified opportunities to improve the efficiency of PDU processes and to strengthen controls over the PDU's handling of public records requests. For example, the current PDU process does not include review of completed responses to requests by a supervisor or manager. Regular review of a sample of each staff member's work would allow the unit's manager to ensure that staff process requests consistently, detect inefficiencies or gaps in quality control processes, and identify staff training needs.

Additionally, current PDU processes do not ensure requests are processed as efficiently as possible. For example:

- The PDU does not categorize incoming requests by complexity so that simpler requests can be handled as quickly as possible.
- Initial research to identify and locate records is completed by less senior staff, and their work is generally not reviewed until a response is due to the requestor. This can result in a delay if the researcher did not order all requested records or did not know how to fully research a request. If the reviewer identifies the need for additional records, the process effectively starts over.
- Further, because requests generally are not routed to the review phase of processing until a response is due to the requestor, documents may have been compiled long before they are released. As a result, requestors wait longer than necessary for records they have requested.

Implementation of most of our audit recommendations, such as the procurement of a new request management system, will both facilitate solutions to these types of issues and also necessitate process changes. For example, implementation of a request management system would allow for requestors to submit their requests directly into PDU's database, eliminating the need for many of the current steps required during intake of requests. As the PDU revises its processes to take advantage of improved access to records, a new request management system, and additional supervision, we recommend that they adjust the PDU's processes to ensure they are as efficient and accountable as possible.

**Recommendation 6:** In conjunction with the implementation of a new request management system and improved access to records (see Recommendations 2 and 3), the Public Disclosure Unit should redesign its process for handling public records requests to improve its efficiency and accountability, ensure that requests are fulfilled in compliance with the Public Records Act, and improve customer service. Key features of this process redesign should include:

- Categorizing and processing requests by complexity,
- Prioritizing timely responses to all requests, and
- Improving internal controls over the process.

## Public Disclosure Unit's Policies and Procedures

In November 2014, the PDU issued a draft policy and procedures manual. Before this, the PDU did not have formal written policies and procedures. At SPD's request, we reviewed their draft policies and procedures manual to:

1. Identify places where guidance could be added or clarified; and
2. Ensure that the manual follows best practices<sup>5</sup> for internal controls.

We found that the manual adequately documents most tasks currently performed to process public records requests and serves as a good starting point. However, it is missing key elements related to both the overall objectives of the PDU and some areas of its operations.

For example, the draft policies and procedures do not clearly describe the PDU's mission and objectives or how the work of each staff member contributes to achieving these objectives. Without such guidance, staff may make assumptions about the PDU's goals that could undermine its mission. For example, staff may prioritize productivity and strive to process requests as quickly as possible rather than take additional time to ensure the completeness and accuracy of each individual response. Further, without explicit guidance on key aspects of the PDU's processes, staff could be inconsistent in how they search for records or miss steps that ensure records searches are complete. For example, many requestors make broad requests for "any and all" records related to a particular incident. Without documented guidance, staff may be inconsistent in how they handle broad requests. As a result, responsive records may not be located or provided to a requestor, which creates legal liability and erodes public trust in SPD.

**Recommendation 7:** To improve the Public Disclosure Unit's (PDU) policies and procedures manual, we recommend that the Seattle Police Department (SPD) add a definition of the PDU's mission and goals and an overview of the PDU process; describe how each PDU staff position supports the Unit's overall goals and how staff performance will be measured; and specify the goals, process, and frequency of management reviews. Additionally, SPD should add detailed guidance on:

- How to interpret requests and communicate with requestors when clarification is necessary,
- How requests for "any and all" documents should be handled,
- How staff should apply common exemptions,
- The purpose of weekly meetings with legal advisors and how staff should prepare for them, and
- The expectations and process for tracking staff time and workload.

Finally, the PDU's policies and procedures should be continually updated as process improvements are made.

## 4. Staffing and Workload Analyses

During our audit, we assessed the PDU's processes for tracking workload and using staffing resources. Workload and staffing were areas of concern, because SPD staff, both within the PDU and in other units that assist with records requests, told us that the volume and complexity of requests for records is increasing and that they are overwhelmed with their current workload.

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<sup>5</sup> For best practices on what should be included in policies and procedures to ensure sufficient internal controls are in place, we relied on the standards in the Committee of Sponsoring Organization's (COSO's) May 2013 Internal Control Integrated Framework. For more information, see <http://coso.org/IC.htm>.

We found that the PDU does not track sufficient workload data to determine whether the current staffing level is adequate or whether the current mix of positions is optimal. Additionally, the PDU has not developed customer service or efficiency goals that can be used to assess unit performance and inform future staffing decisions. Finally, we determined that the current classification of most PDU staff does not fully reflect the skills and capabilities necessary to process public records requests, particularly the requirement to apply in-depth legal knowledge and to provide a direct service to the public.

### **Workload and Performance Data**

We found that the PDU does not maintain detailed, reliable data about its workload or performance. Examples of workload data could include the annual number of requests that require searches of multiple records systems, the number of requests that require redactions to video, or the amount of time required to handle individual requests. Performance data could include, for example, how quickly the PDU provides records or responses to requestors, how frequently staff must extend a response date, or how long it takes staff to initiate a search for records after receiving a new request. Without accurate and complete data on workload and performance, the PDU is limited in its ability to:

- Document changes in workload over time, such as the volume of records requested or the complexity of records requests;
- Evaluate the efficiency of current processes and identify steps that could be streamlined;
- Measure performance against desired outcomes; and
- Determine whether current staffing is sufficient, in terms of both the number of positions and also the skills and capabilities provided by the current mix of positions.

Implementation and consistent use of a new records request management system, as recommended above, will provide the PDU with improved data on the PDU's current workload and performance (e.g., the time it takes staff to research and respond to requests for different types of SPD records). Additionally, developing a set of performance goals related to customer service and productivity, and tracking progress in meeting these goals, would allow the PDU to effectively evaluate current processes and prioritize areas for improvement. For example, the SPD may set goals related to the time a requestor waits to receive a single incident report or the number of days that pass between receipt of a new request and initiation of research.

**Recommendation 8:** Seattle Police Department management should establish performance and service delivery goals for the Public Disclosure Unit and monitor its performance, including consistently tracking workload and staff productivity.

### **Staffing Model**

Once the PDU begins collecting reliable data about its workload (e.g., how many requests SPD receives for different types of records) and performance (e.g., how long it takes staff to respond to different types of requests for records), SPD management should use this data to develop a staffing model. Staffing models use workload and productivity data to estimate the optimal number of staff to handle an entity's workload and achieve its performance goals. For example, PDU management could use workload and productivity data to estimate the number of staff required to respond to certain types of requests (e.g., for a single incident report) within a specific period.

In addition to helping management determine the optimal number of staff, a staffing model can also help management determine the best mix of skills and expertise to ensure records requests are handled accurately and efficiently. For example, during the course of our audit the PDU increased its staffing from five individuals to eight, with the additions all being individuals at the Administrative Specialist 2 level. Based on our review of a random sample of records requests, we observed a backlog in the workload of the Administrative

Specialist 3 staff members that resulted in many requests being delayed even after records had been located and compiled. Based on an analysis of workload and performance data, PDU management may wish to adjust staffing so there are more individuals at the Administrative Specialist 3 level.

Additionally, based on our file review, we determined that a significant number of requests were for specialized or unique records that are not frequently requested or were for records that require a data analyst to run a specialized query. These requests often were delayed as PDU staff either worked to identify the appropriate source of records or waited for an analyst to research and compile the requested records. To facilitate these types of requests, the PDU manager may wish to adjust staffing to include an analyst with expertise in SPD's many electronic record management systems. This individual could conduct specialized queries, handle responses to technical requests and coordinate with SPD IT staff as needed, and act as the system administrator for the new records request management system.

These are just two examples of staffing adjustments the PDU may wish to consider and that could be supported with a staffing analysis based on reliable data. Management could also use a staffing model to predict the impact of process changes, such as streamlining an aspect of searching for or copying records, on both performance and staffing needs. Our audit includes several recommendations that will affect the PDU's processes and resources, including a new request management system, improved access to records and record system experts, and a dedicated PDU manager. As these changes are implemented, the PDU should review its current staffing resources to determine the best mix of skills and expertise to ensure records requests are handled accurately and efficiently.

**Recommendation 9:** As the Public Disclosure Unit (PDU) begins to track its workload and performance data, it should develop a staffing model to enable Seattle Police Department (SPD) management to assess the PDU's staffing levels, determine the most appropriate mix of positions, and adjust staff as needed. For example, SPD should consider revising Public Disclosure Unit staffing to include a position with data analyst capabilities.

### **PDU Job Classifications**

As we describe above, the handling of public records requests is an evolving field. One current challenge experienced by many jurisdictions is determining whether the work of handling public records requests requires a separate job classification or career track. Examples of City job classifications are accountant, strategic analyst, and paralegal. Job classifications are general categories, and they are not designed to describe the requirements or duties of a specific position. However, they do establish the minimum qualifications and distinguishing characteristics of staff members working in the same classification across the City, and they set the salary range for all City employees working in a particular classification.

During our audit, we reviewed the job classifications of PDU staff members and compared them with PDU job descriptions used to recruit recently hired staff members. We determined that the current classifications used to recruit and evaluate PDU staff do not fully reflect the unique body of work they perform. For example:

- Five of the PDU's current seven staff members are at the Administrative Specialist 2 level. The Administrative Specialist 2 classification describes an individual who follows internal policies and procedures; it does not describe an individual working within a complex legal environment or using legal knowledge to avoid the risk of liability to the department. A recent job posting for a PDU Administrative Specialist 2 stated that the position requires "an in-depth working knowledge of all laws and ordinances" affecting public disclosure. However, the classification does not reflect these types of requirements.
- The PDU's two most senior staff members are at the Administrative Specialist 3 level. Although this classification reflects the sophisticated nature of these individuals' responsibilities, it describes an



internal support role rather than the direct provision of a service to the public. This is also the case for the Administrative Specialist 2 classification, which describes a staff member who supports a department or program rather than providing a service directly to the public.

In its July 2014 report to the City Council, the Seattle City-Wide Public Disclosure Request Task Force recommended that City management ensure job classifications, qualifications, and skill sets of PDR staff are consistent with the level of discretion and expertise necessary to effectively handle public records requests. We recommend that SPD conduct a similar review. As the PDU manager evaluates the staffing level and mix of positions in the PDU, as recommended above, she should also consider whether current classifications sufficiently describe the work of handling SPD public records requests. If she determines that they do not, she should work with the SPD Personnel Unit and the Seattle Human Resources Department to explore revising or developing new job classifications that more accurately reflect the skills and abilities needed to perform the work.

**Recommendation 10:** The Seattle Police Department should review the Public Disclosure Unit's current job classifications to ensure that they match job requirements and facilitate the efficient processing of public records requests.

## 5. Communication with Requestors

During our audit, we identified opportunities for SPD to improve its communication with requestors of public records. This is important because effective communication has the potential to:

1. Reduce legal liability for violations of the Washington State Public Records Act,<sup>6</sup>
2. Increase transparency by documenting SPD's good faith efforts to respond to public records requests,
3. Improve SPD's effectiveness in locating requested records, and
4. Result in more efficient processing of public records requests.

Based on our analysis of a sample of 200 SPD public records requests, our review of SPD's and other jurisdiction's websites, and our discussions with other jurisdictions, we found that opportunities exist for the PDU to improve communication with requestors by improving its public website, implementing a consistent practice of contacting requestors to clarify unclear or complex requests, and providing more accurate and detailed information in written communications.

### SPD's Public Disclosure Website

We found that SPD's website does not clearly describe SPD's standard records, the most efficient way to request these records, or how general requests (e.g., requests for "any and all" records) are interpreted by PDU staff. This kind of information can help requestors understand the types of records SPD has and the most effective way to phrase their request to get the information they seek.

Further, SPD's website does not provide the public with a portal that allows requestors to submit public records requests online or to check the status of a request, including whether it was received. In addition to reducing data entry for PDU staff, such capabilities would save requestors time, both during the submittal process (as it is easier to submit a request directly online than it is to download a form, scan it, and email it) and during request processing (as there is no need for requestors to call the PDU to ensure a request was

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<sup>6</sup> In a 2010 case, *Yousoufian versus Office of Ron Sims*, the Washington State Supreme Court established a framework to guide trial courts' determination of penalties within the range provided under the Public Records Act. The court identified seven mitigating factors and nine aggravating factors to aid assessment of agency culpability. The helpfulness of the agency to the requestor was listed as a factor that may justify a decrease in penalty for violations of the Public Records Act.

received or check its status). We found that this capability is being used by other local jurisdictions, such as the cities of Kirkland and Olympia. As noted above in our Recommendation 2, we believe SPD should ensure the PDU's new request management system includes a public portal for online submission of requests.

**Recommendation 11:** The Seattle Police Department (SPD) should improve its website to clarify the types of records SPD maintains and the most appropriate routes to obtaining different types of information. Specifically, SPD should improve the Public Disclosure Unit's website to provide information about SPD records available through the Public Records Act, estimates about the time it typically takes to receive different types of records, and suggestions about how to receive records as quickly as possible. Additionally, SPD should implement a public portal that allows requestors to submit public records requests online.

### Clarification of Requests

We found that federal, state, and local standards all consistently cite clarification of requests as a best practice in the field of public records requests. Especially when a request is unclear or is very broad, clarification can save both the department and the requestor time by ensuring that requestors know what types of records exist and that staff search only for the desired records. As a result, clarification can make the search process more efficient and effective while also improving the department's customer service.

PDU staff told us that, while they sometimes clarify requests, it is not a consistent practice. Additionally, a frequent requestor of SPD records reported that SPD does not generally ask for clarification. As a result, the requestor said that their requests often devolve into a "guessing game" in which they try to ask for records in a way that will allow SPD to locate them. From our review of a sample of SPD public records requests, we also identified instances in which clarification of a request at the initial stages of processing could have saved PDU staff time and resulted in a more accurate or timely response.

To ensure that staff are efficiently searching for the desired records and requestors are aware of their options for obtaining records more quickly, we recommend that PDU staff contact requestors to clarify unclear or complex requests.

**Recommendation 12:** The Seattle Police Department's Public Disclosure Unit (PDU) should formally adopt the practice of proactively communicating with requestors when a request is unclear, complex, or will take a long time to fulfill. To facilitate this recommendation, PDU management should ensure their staff are trained to provide high quality customer service.

### Written Communication with Requestors

Based on our review of a sample of 200 public records requests, we identified the following issues related to PDU written communications with requestors (e.g., letters or emails that accompany records or report that no responsive records could be located):

- **Letters do not consistently provide clear information about SPD's search process.**

For example, letters reporting that there are no responsive records or that SPD is still searching for records do not describe which specific records were searched for, which systems were searched, or how the search was conducted (i.e., which search terms were used). The need to include such information was established in a 2011 court case,<sup>7</sup> in which the judge determined that letters

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<sup>7</sup> *Neighborhood Alliance versus Spokane County* 172 Wn.2d 702, 261 P.3d 119 (2011) "An adequate response to the initial PRA request where records are not disclosed should explain, at least in general terms, the places searched."



responding to public record requests should describe the places searched when records were not located.

- **Letters do not provide details about which records were searched for or how a request was interpreted.**

Often, requestors ask for multiple records or submit a general request (e.g., for “any and all” records). In these cases, PDU staff must search for and review multiple individual records, may apply redactions to some records but not others, and may deliver the requested records to the requestors in stages over time (especially if the request is for a large number of records). However, in its letters to requestors, the PDU often provides general information about the request as a whole rather than details about each individually requested or provided record. For example, letters often do not detail the individual records requested and searched for. Additionally, when there are redactions, it is difficult to easily identify the particular exemption applied to each redaction. Finally, when the PDU provides records in installments, the letters accompanying each installment often do not specify which of the requested records are being provided, which are still pending, and which were not found. As a result, requestors must try to match what they have received to the items in their original request and determine what, if anything, is missing or the reasons behind redactions made to specific records.

- **Letters often include errors about the systems searched and the redactions applied.**

During our file review, we identified many letters that included references to redactions when none were made or described searches of systems that don't store the requested records (and for which there was no evidence in the file that a search had been conducted).

Without detailed and accurate communication with requestors, SPD is missing the opportunity to document its efforts to fulfill each individual public records request. As a result, SPD's processes are not transparent to the public, and requestors do not have accurate and complete information about how their requests were processed, what records are still being searched for, and how they can request records more effectively.

**Recommendation 13:** All of the Seattle Police Department's (SPD) written communication with public records requestors should clearly articulate how each request was interpreted, how records systems were searched, and how a requestor can contact SPD's Public Disclosure Unit to request additional searches or provide additional information to facilitate the location of records. Additionally, SPD's letters should clearly reference each individual requested record when reporting on the status of a request. If any responsive records are redacted or exempt from disclosure, letters should state which records were redacted or are exempt and the particular exemption that applies to each.

### III. OBJECTIVES, SCOPE AND METHODOLOGY

#### Objectives and Scope

The Seattle City Council asked us to review the Seattle Police Department's (SPD's) process for responding to public records requests. Specifically, they wanted us to examine SPD's current policies, protocols, and practices regarding the intake, tracking and fulfillment of public records requests. Additionally, they wanted us to determine whether the recommendations from our 2012 audit of SPD's In-Car Video Program had been implemented.

#### Methodology

We conducted our audit from May to December 2014. We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

To determine whether the number of SPD public record requests has increased over time, we used data from SPD's Legal Log. The Public Disclosure Unit (PDU) uses the Legal Log to track information about each SPD public records request. As we describe below, through our audit work, we determined that the Legal Log data is not a reliable source of information about many details related to individual public records requests, such as types of records requested, dates on which requests were received or completed, the final disposition of requests (records were provided, redacted, denied, etc.), or the amount of time staff spent handling requests. For this reason, we did not use data in the Legal Log to summarize the types of requests handled by SPD or details about the PDU's performance. However, we did use the data to calculate the general volume of requests received over time, as the errors we identified would not alter general trends in the number of requests received. Additionally, we used the Legal Log as the population from which we pulled a random sample of requests received in January and February 2014. To minimize the risk of using an incomplete population (as a result of errors in the data), we also compared all requests in the PDU's physical files with those in the Legal Log for our sample period, and we followed up on any discrepancies.

To learn about how public disclosure works in Washington State, we:

1. Attended local trainings, such as those offered by the Washington Association of Public Records Officers, the State Auditor's Office, and the City Attorney's Office;
2. Conducted an electronic survey of other local law enforcement agencies in the State of Washington (see below for a more detailed description of our survey);
3. Visited local and state law enforcement agencies, such as the City of Everett, City of Kirkland, King County, 911 South Sound, and the Washington State Patrol;
4. Met with local associations and agencies, such as the Washington State Attorney General's Office, the Washington Association of Cities, the Municipal Research Services Center, the American Civil Liberties Union, and the Seattle Community Police Commission; and
5. Interviewed the City of Seattle's Citywide Public Disclosure Coordinator and attended meetings of the citywide task force on public disclosure.

To learn about how the Seattle Police Department (SPD) manages public records requests, the challenges faced by the SPD's Public Disclosure Unit (PDU), and potential improvements to its operations we:

1. Interviewed SPD managers, including, but not limited to: the Chief Administrative Officer; the Public Records Manager; Managers of the Public Disclosure, Public Records, and Crime Records Units; the

- Information Technology Section Manager; the Lieutenant who oversees SPD's Violent Crimes Section; and the Captain who oversees the Communications Center;
2. Interviewed and shadowed staff in SPD's Public Disclosure Unit, Communications Center, Photo Unit, and Video Unit;
  3. Worked with city attorneys to analyze the reasons behind judgments and settlements the City paid for violations of the Washington Public Records Act related to SPD records (see below for a more detailed description of this analysis);
  4. Observed a weekly meeting between the PDU and City Attorney's Office staff, and met multiple times with city attorneys who advise SPD on public records requests;
  5. Reviewed a draft of the PDU's policies and procedures manual;
  6. Analyzed the PDU's electronic log of public records requests (i.e., the Legal Log) to assess data reliability and summarize the volume of requests received over time (see below for a more detailed description of this analysis);
  7. Reviewed a random sample of 200 public records requests received by SPD in January and February 2014 to identify the types and volumes of records requested and provided, which systems PDU staff searched to locate copies of records, how long it took PDU staff to obtain responsive records, average response time to the requestor, etc. (see below for a more detailed description of our file review methodology); and
  8. Interviewed SPD managers involved in strategic planning for information technology issues.

To determine if the recommendations from our June 20, 2012 In-Car Video audit were implemented, we relied on data we gathered for previous follow up efforts and interviewed the manager and staff of SPD's Video Unit and Information Technology Section.

### **Survey of Local Jurisdictions**

To create a survey of local jurisdictions, we worked with SPD's Records Manager and PDU Manager to develop a list of questions. Because of their expertise in working with local jurisdictions and their experience in conducting surveys, we asked the Municipal Research Services Center to review our questions and provide us with feedback.

We distributed our survey electronically. It included questions on the:

1. Number of public records requests the agency received in 2013,
2. Types of records included in this count,
3. Types of law enforcement records the agency produces,
4. The software or other means the agency uses to track and manage public records requests, and
5. The software the agency uses to store, access, manage and copy in-car videos and 911 recordings (if any).

We also asked:

6. How many full-time equivalent employees the agency has dedicated to responding to public records requests,
7. If the public records officers and staff have a dedicated resource to provide advice on legal questions,
8. Who in the agency is responsible for deciding which records are exempt from public disclosure and what information will be redacted from them,
9. What methods they use to redact information from records,
10. What other tools or processes the agency has in place to help manage public records requests,

11. Whether Public Records Act requirements influenced the agency's decision to acquire in-car or body-worn video devices, and
12. What are the most challenging and time-consuming parts of responding to public records requests?

Next, to create a list of survey participants, we identified the top ten cities and counties in Washington State by population and added two other State agencies that process public records requests for law enforcement agencies (Washington State Patrol and 911 South Sound), which gave us a total 22 potential participants. We eliminated 2 counties because their public records requests are processed by other agencies already included as participants. This gave us a total survey population of 20.

We received responses from 14 of the 20 agencies we surveyed, a participation rate of 70 percent. Our final list of participants included: the Everett Police Department, the Washington State Patrol, the King County Sheriff's Office, the Snohomish County Sheriff's Office, the Seattle Police Department, the Kent Police Department, the Thurston County Sheriff's Office, the Kitsap County Sheriff's Office, the Federal Way Police Department, the Benton County Sheriff's Office, the Whatcom County Sheriff's Office, the Yakima County Sheriff's Office, the Renton Police Department, and the Tacoma Police Department.

See Appendix B for survey results.

### **Judgments and Settlements Analysis**

To analyze the reasons for City payouts for violations of the Washington State Public Records Act related to SPD records, we reviewed a list of 19 2008-2014 cases provided to us by the Seattle City Attorney's Office. Payments for these settlements and claims totaled \$811,000. For each case, we reviewed the related complaint, court decision, or unpublished court opinion. Based on this review and our knowledge of SPD's public disclosure process, we identified what we believed was the primary basis for the claim in each case. We then discussed this list with the PDU Manager and city attorneys and incorporated their feedback to create a final list of reasons to which the cases could be attributed. We used this list to inform our evaluations of the PDU's current processes and systems.

### **Legal Log Analysis**

The PDU's Legal Log is an electronic log used to record basic information about each SPD public records request, such as the date the request was received, the date the request was completed, requestor, record requested, and final status of the request (e.g., whether requested records were provided, redacted, or denied). The log includes a lot of information about SPD's public records requests and is used by PDU staff to identify previously released records. As part of this audit, we assessed SPD's controls over the log and the reliability of Legal Log data. We conducted our assessment through meetings with PDU and SPD Information Technology (IT) staff, analysis of data in the Legal log, and comparison of the log's data with physical records maintained by the PDU.

Through meeting with PDU and SPD IT staff, we learned that the log does not have any controls to reduce the risk of errors in data entry. For example, the log allows users to skip fields and to enter incomplete or inconsistent data. Also, the log does not assign to requests a unique identifier. Rather, PDU staff enter a request ID from a paper list they use to track and assign identification numbers, called PDR numbers.

Further, our analysis of Legal Log data identified multiple concerns with the accuracy and completeness of the data, such as: errors in dates that affect response time calculations, different requests assigned the same tracking number, incomplete data about type of record requested and who handled the request, and inappropriate exemption codes (e.g., entering a reason for redacting an incident report that applies only to in-car video records). Moreover, when we compared data in the Legal Log with the physical files maintained for each request, we found that the Legal Log often tracked which records were provided, but not which

records were requested. Additionally, the Legal Log did not always include the correct disposition for a request (i.e., whether the request was fulfilled or denied) or included other errors related to request handling.

Based on our reviews and assessment of the data in the Legal Log, we concluded that the Legal Log is not a reliable source of information about many details related to individual public records requests, such as types of records requested, dates on which requests were received or completed, the final disposition of requests, or the amount of time staff spent handling requests. Therefore, we concluded that the log does not contain reliable or complete workload or performance data.

Given the limitations of the Legal Log data, we did not use the data to describe the types of requests received by the PDU or the time spent by the PDU in handling requests. Since the Legal Log is the only electronic log of SPD public records requests, we used it to calculate the general volume of requests received over time, as the errors we identified in the Legal Log would not alter general trends in the number of requests received. Additionally, we used the Legal Log as the population from which we pulled a random sample of requests received in January and February 2014. To minimize the risk of using an incomplete population (as a result of errors in the data log), we also compared all requests in the PDU's physical files with those in the Legal Log for our sample period, and we followed up on any discrepancies.

### **File Review**

We reviewed a random sample of 200 public records requests received by SPD in January and February 2014. The goals of our file review were to learn about the details of PDU processes in handling public records requests, test the reliability of data in the Legal Log, and collect detailed information about the types of requests handled by the PDU.

We collected detailed information for each request in our random sample, including the following:

- Requestor type (e.g., individual, attorney, media representative),
- Types of records requested, including whether the request was for "any and all" records,
- Final outcome of request (records provided, records redacted, records denied),
- Date PDU received the request,
- Dates and purpose of any clarification with the requestor,
- Date SPD acknowledged receipt of the request or responded to the requestor,
- Dates of any extension letters (if applicable),
- Date records were provided or final response was sent, and
- Exemptions that were applied and the reason for the exemption.

The audit team also documented the following details for each individually requested record in our sample:

- What is the record type?
- Was this record specifically requested?
- Did the PDU attempt to locate this record?
- What system did the PDU search (or whom did they contact) to locate the record?
- On what date did the PDU request or search for this record?
- Was the record located and provided to the PDU?
- On what date was the record delivered to the PDU (or date the PDU located it)?
- Was the record provided/redacted/denied to the requestor?
- On what date was the response provided to the requestor?

The 200 requests in our sample were selected randomly from the 711 public records requests entered into the Legal Log as received by SPD in January and February 2014. We used January and February 2014 as our population to ensure we reviewed requests that were recent enough to reflect current practices and also were likely to have been completed by the time of our review. Each request had an equal chance of being included in our sample, and so the results of our review can be generalized to the population of public records requests received by SPD in January and February 2014.

The results of our file review are summarized throughout this report, and detailed information about the types of requests and requestors in our sample is summarized in Appendix C.

## APPENDIX A

### Follow up on 2012 In-Car Video Audit Recommendations

SPD has fully implemented five of the six recommendations from our 2012 audit of the Seattle Police Department's In-Car Video (ICV) Program (see <https://wayback.archive-it.org/3241/20131221183304/https://www.seattle.gov/audit/2012.htm#spdicy> for a copy of this report). SPD has partially implemented one recommendation. See Exhibit 3 below.

#### Exhibit 3. Status of recommendations 2012 SPD's In-Car Video Program Audit

Recommendation	Status	Notes
Recommendation 1: Move all ICVs to the new COBAN video storage system and implement a revised retention schedule.	Implemented	Subsequent to implementation, at the U.S. Department of Justice Monitor's request, SPD started retaining all ICVs indefinitely.
Recommendation 2: Procure new ICV recording hardware and software.	Implemented	
Recommendation 3: Develop an electronic request form.	Implemented	
Recommendation 4: Enable ICV software that automatically records Global Positioning Systems (GPS) data.	Implemented	This functionality did not solve all the issues related to conducting efficient and accurate searches for in-car videos. SPD should explore additional ways to identify and locate recordings related to a specific event, including developing the ability for Versaterm and COBAN to share data.
Recommendation 5: Give COBAN access to staff in additional SPD Units.	Partially Implemented	SPD has not yet provided the City Attorney's Office or the Office of Professional Accountability (OPA) Auditor with direct access to COBAN. However, the OPA Auditor has been given alternative access to ICVs relevant to the cases she is working on through SPD's IAPRO system.
Recommendation 6: Develop a simple, uniform system for recording the receipt of and work performed on each request.	Implemented	

## APPENDIX B

### Survey of Local Jurisdictions

To obtain benchmark information, we conducted a survey of 20 law enforcement agencies in Washington State. In addition to asking for the number of requests they process, the types of records they provide, and their staffing levels, we also asked these agencies about the challenges they encounter and the resources available to them. Fourteen agencies responded to our survey.<sup>8</sup> Based on their responses, we found:

1. **There is significant variation in the types of public records processed by local law enforcement agencies' public disclosure units, making it difficult to compare staffing and workload between jurisdictions.** For example, only 3 other Washington State law enforcement agencies provide the same types of public records as SPD: the Washington State Patrol, Thurston County, and the City of Renton. Further, only 8 of the 14 agencies we surveyed provide copies of 911 calls, and only 6 provide copies of in-car videos.
2. **It was not possible to compare the staffing levels devoted to handling public records requests between law enforcement agencies because of significant differences in the types of records processed, the complexity of the requests, how workload is distributed (e.g., who handles redactions), and turnaround times.**
3. **Agencies currently use a variety of software programs to manage and track public records requests.**
4. **Of the 6 agencies that have in-car video, 3 use COBAN software to store, access, manage, copy, and track in-car video recordings.** The remaining 3 agencies did not provide information on the systems they use.
5. **Four agencies said that Public Records Act (PRA) requirements did not influence their decision of whether to acquire in-car video or body cameras, while three agencies reported that PRA requirements did influence their decision.** The rest did not know or cited it as a partial reason.
6. **The 8 agencies that are responsible for 911 recordings use a variety of software programs, or rely on other units or agencies, to store, access, manage, copy, and track recordings.**
7. **Staff and managers in all but one of the 14 agencies reported meeting at least weekly for legal advice, and half meet more frequently. Public disclosure staff, public records specialists, and supervisors are, for the most part, applying exemptions to public records requests.** In 2 of the 14 agencies we surveyed, staff with legal background are applying exemptions.
8. **Agencies face similar challenges.** These challenges include voluminous requests for email messages, insufficient staffing, overly broad requests (and requestors unwilling to work with the agency to help identify responsive records), large requests (all records on one or more individuals), requests for any and all records, and requests that involve coordinating records from multiple departments.

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<sup>8</sup> A detailed description of how we conducted this survey can be found in Section III of this report.

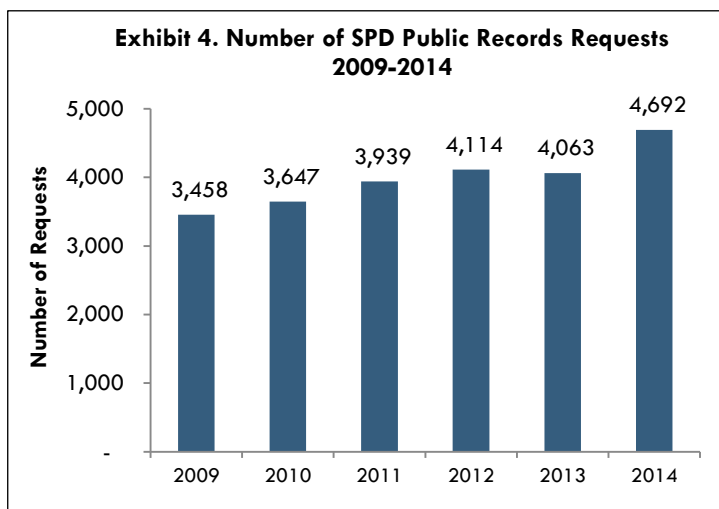


## APPENDIX C

### SPD Public Records Request Workload and Types of Requests

As we describe in Exhibit 4, Seattle Police Department (SPD) public records requests have increased in number by over 35 percent in six years, from about 3,500 requests in 2009 to almost 4,700 requests in 2014.

Although this increase is significant, the number of requests alone tells only part of the story. SPD Public Disclosure Unit (PDU) staff reported to us that they have also experienced an increase in the complexity of requests. They said that current requests are often for multiple types of records, for records related to multiple incidents, for large volumes of electronic records, or for records that were previously exempt from disclosure (e.g., some internal investigation files were exempt from disclosure until recently). Additionally, PDU staff reported an increase in requests for “any and all” records related to an incident, individual, or location. In other words, staff reported an increase in request **complexity** in addition to an increase in request **volume**.



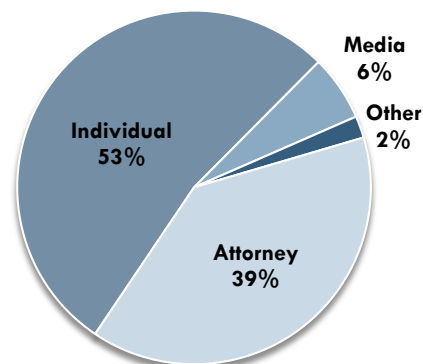
Source: Office of City Auditor analysis of SPD data.

SPD does not currently have reliable data that can be used to determine whether there has been an increase in complexity. However, our analysis of a random sample of recent requests confirmed that a significant percentage of public records requests to SPD are for multiple types of records or for “any and all” records related to an incident or individual. We also analyzed who submits SPD records requests and how long it takes SPD to handle different types of records requests.

#### Who Submits SPD Public Records Requests?

We reviewed a random sample of 200 SPD public records requests received by SPD in January and February 2014, and we found that, during this period, over half of SPD's public records requests were submitted by individuals. Attorneys submitted almost 40 percent, and the media submitted about 6 percent. Although individuals and attorneys both submitted large percentages of SPD requests for public records, they tended to submit different types of requests. For example, individual requests were most frequently for a single incident report, while requests from attorneys were most frequently for “any and all” records related to an incident or multiple incidents.

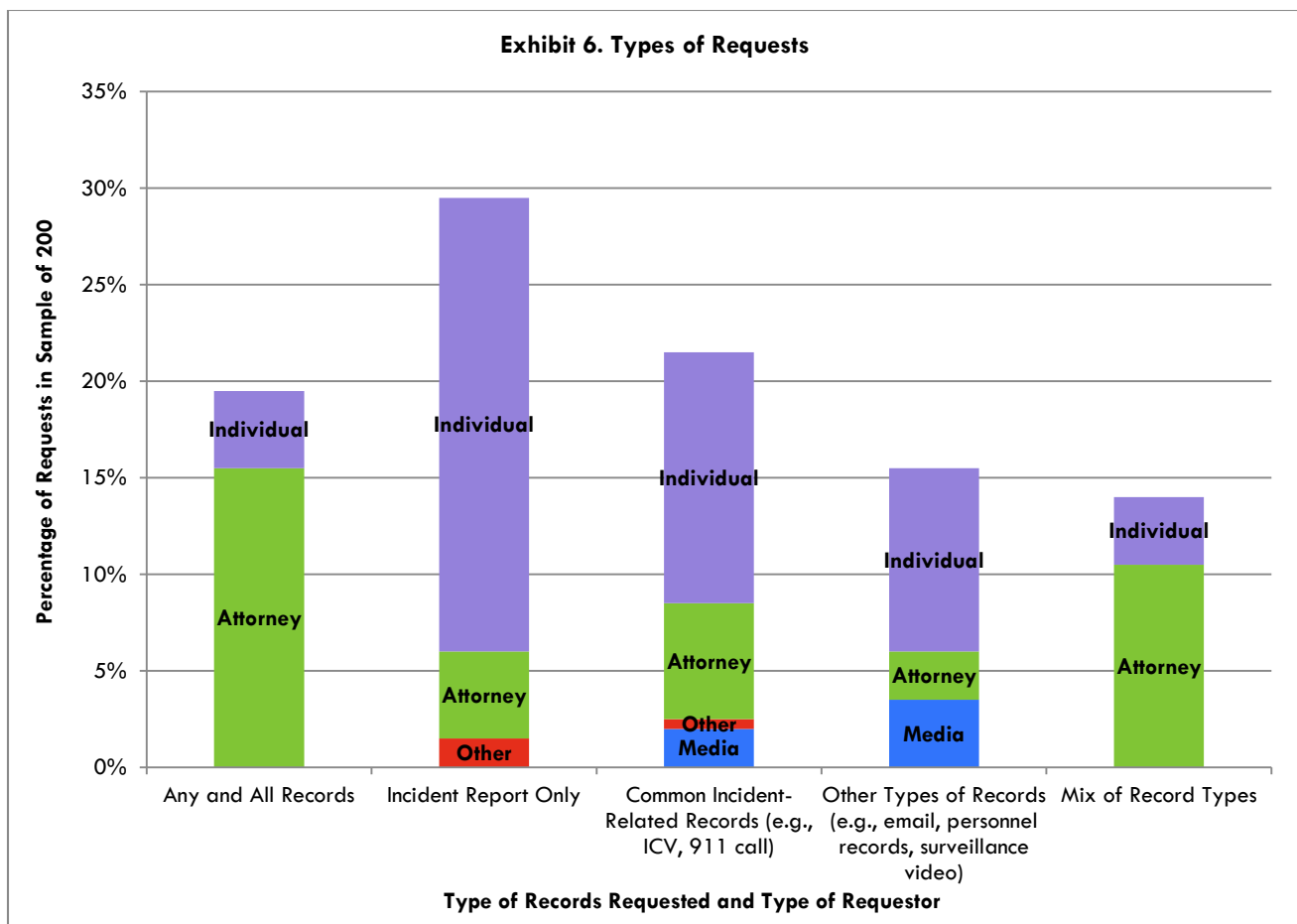
**Exhibit 5. Requestors of SPD Records**



Source: Office of City Auditor random sample of 200 SPD public records requests from January and February 2014.

#### What are the Most Frequently Requested Record Types?

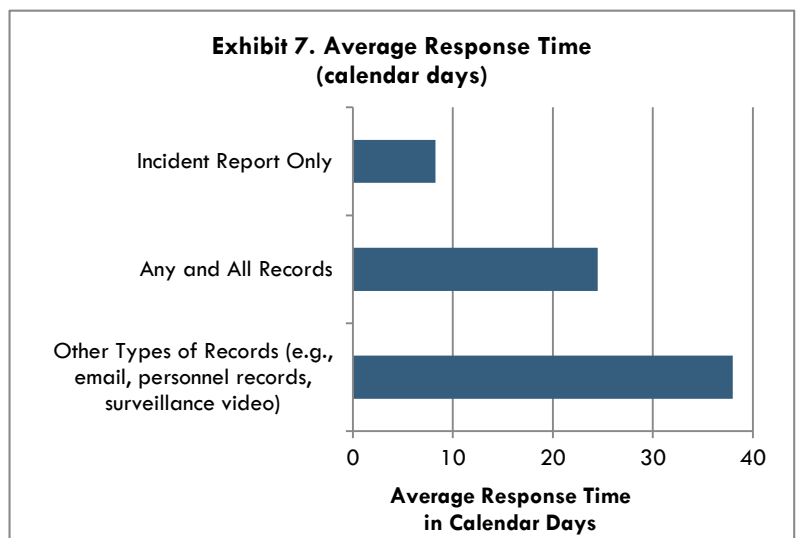
Exhibit 6 below illustrates the results of our file review by type of record or records requested. We found that almost 30 percent of the requests in our sample were for a single incident report, and the majority of these requests were submitted by individuals. A large percentage of the requests in our sample (over 19 percent) were for “any and all” records related to an event, incident, or location; almost 22 percent of requests were for one or more commonly requested incident-related records (e.g., an in-car video or 911 call); 17 percent of requests were for less-frequently requested records (e.g., personnel records, budget details, or other SPD documents); and over 12 percent of requests were for a mix of record types (e.g., an in-car video and another less-commonly requested record).



**Source:** Office of City Auditor random sample of 200 SPD public records requests from January and February 2014.

### How Long Does SPD Take to Provide Requested Records?

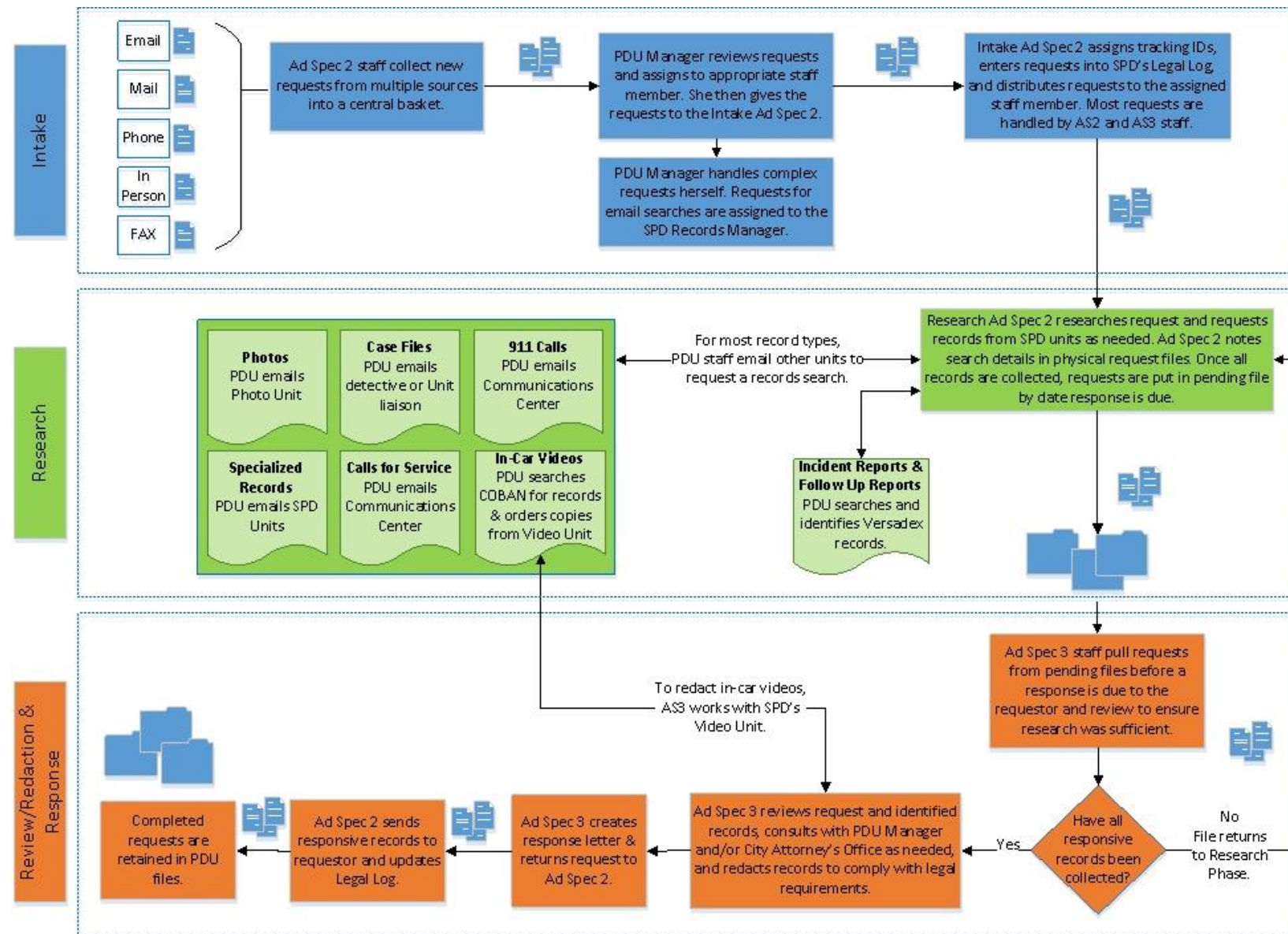
During our file review, we also calculated how long it took requestors to receive records, and we found that response times varied by type of record requested. In Exhibit 7, we contrast the PDU's average response times for three different types of requests: a request for a single incident report, a request for any and all records related to an incident or individual, and a request for a not commonly requested record (e.g., a personnel or budget record). As can be seen in the chart, depending on the type of record requested, requests can take from, on average, about a week or over a month to fulfill.



**Source:** Office of City Auditor random sample of 200 SPD public records requests from January and February 2014. Our sample included one request for "Any and All Records" and one request for "Other Types of Records" that were still open at the time our audit. These two requests are not included in the analysis for Exhibit 7.

## APPENDIX D

### Exhibit 8. Process Flow Chart



## APPENDIX E

### Recommendations

**Recommendation 1:** The Seattle Police Department should create a new position to handle the Public Disclosure Unit Supervisor's current caseload of complex requests.

**Recommendation 2:** The Seattle Police Department should implement a new request management system for the intake and tracking of public records requests. In developing its set of system requirements and software options, the Department should carefully consider the work already completed in this area by multiple other jurisdictions.

Key system capabilities should include:

- Public portal that allows requestors to submit public records requests online and automates Public Disclosure Unit intake processes,
- Ability to electronically route requests through all phases of processing, including research and review,
- Automated tracking of activities related to request handling,
- Clear and searchable documentation of records provided, and
- Tracking of processing time and staff resources.

**Recommendation 3:** To help ensure that records searches are conducted as efficiently and effectively as possible, we recommend that the Seattle Police Department (SPD):

**Recommendation 3a:** *For records maintained by SPD's Communications Center, such as 911 call recordings:* Assign a dedicated Communication Analyst to the Public Disclosure Unit (PDU) who reports to the PDU manager and understands Communication Center records and the Public Records Act.

**Recommendation 3b:** *For records maintained by SPD's Video Unit, such as in-car video recordings:* Assign a dedicated Video Specialist to the PDU who reports to the PDU manager and understands SPD's in-car video records and the Public Records Act.

**Recommendation 3c:** *For Records maintained by SPD's Photo Unit, such as copies of photographs and digital audio statements:* Train SPD Photo Unit staff in the requirements of the Public Records Act, and clarify roles and responsibilities of PDU and Photo Unit staff members for searching for requested records.

**Recommendation 4:** To ensure that the Public Disclosure Unit (PDU) can quickly locate and compile requested records from throughout the Seattle Police Department's (SPD) sections, all SPD sections should designate a single contact to work with the PDU. Additionally, SPD should assign a sworn officer to act as a PDU liaison to help locate and obtain copies of records.

**Recommendation 5:** Due to the potentially significant impact on the Public Disclosure Unit's (PDU) workload, the Seattle Police Department (SPD) should ensure that the PDU Manager and the SPD Records Manager are fully involved in planning related to management and retention of SPD records, including but not limited to, plans to manage video recordings and department-wide information technology system changes.

**Recommendation 6:** In conjunction with the implementation of a new request management system and improved access to records (see Recommendations 2 and 3), the Public Disclosure Unit should redesign its process for handling public records requests to improve its efficiency and accountability, ensure that requests are fulfilled in compliance with the Public Records Act, and improve customer service. Key features of this process redesign should include:

- Categorizing and processing requests by complexity,
- Prioritizing timely responses to all requests, and
- Improving internal controls over the process.

**Recommendation 7:** To improve the Public Disclosure Unit's (PDU) policies and procedures manual, we recommend that the Seattle Police Department (SPD) add a definition of the PDU's mission and goals and an overview of the PDU process, describe how each PDU staff position supports the Unit's overall goals and how staff performance will be measured, and specify the goals, process, and frequency of management reviews. Additionally, SPD should add detailed guidance on:

- How to interpret requests and communicate with requestors when clarification is necessary,
- How requests for "any and all" documents should be handled,
- How staff should apply common exemptions,
- The purpose of weekly meetings with legal advisors and how staff should prepare for them, and
- The expectations and process for tracking staff time and workload.

Finally, PDU's policies and procedures should be continually updated as process improvements are made.

**Recommendation 8:** Seattle Police Department management should establish performance and service delivery goals for the Public Disclosure Unit and monitor its performance, including consistently tracking workload and staff productivity.

**Recommendation 9:** As the Public Disclosure Unit (PDU) begins to track its workload and performance data, it should develop a staffing model to enable Seattle Police Department (SPD) management to assess the PDU's staffing levels, determine the most appropriate mix of positions, and adjust staff as needed. For example, SPD should consider revising PDU staffing to include a position with data analyst capabilities.

**Recommendation 10:** The Seattle Police Department should review the Public Disclosure Unit's current job classifications to ensure that they match job requirements and facilitate the efficient processing of public records requests.

**Recommendation 11:** The Seattle Police Department (SPD) should improve its website to clarify the types of records SPD maintains and the most appropriate routes to obtaining different types of information. Specifically, SPD should improve the Public Disclosure Unit's website to provide information about SPD records available through the Public Records Act, estimates about the time it typically takes to receive different types of records, and suggestions about how to receive records as quickly as possible. Additionally, SPD should implement a public portal that allows requestors to submit public records requests online.

**Recommendation 12:** The Seattle Police Department's Public Disclosure Unit (PDU) should formally adopt the practice of proactively communicating with requestors when a request is unclear, complex, or will take a long time to fulfill. To facilitate this recommendation, PDU management should ensure their staff are trained to provide high quality customer service.

**Recommendation 13:** All of the Seattle Police Department's (SPD) written communication with public records requestors should clearly articulate how each request was interpreted, how records systems were searched, and how a requestor can contact SPD's Public Disclosure Unit to request additional searches or provide additional information to facilitate the location of records. Additionally, SPD's letters should clearly reference each individual requested record when reporting on the status of a request. If any responsive records are redacted or exempt from disclosure, letters should state which records were redacted or are exempt and the particular exemption that applies to each.



## APPENDIX F

### Department Response



Date: February 3, 2015

To: David Jones, City Auditor  
Jane Dunkel, Auditor in Charge  
Cindy Drake, Assistant Auditor

From: Michael Wagers, Chief Operating Officer  
Seattle Police Department

Subject: SPD Response to Audit of Seattle Police Department's Public Disclosure Process

Thanks for providing an opportunity to review and respond to the "Audit of Seattle Police Department's Public Disclosure Process" draft audit report. SPD concurs with the City Auditor's overall recommendation and believes the report accurately portrays the challenges in dealing with the increasing number of requests; citizens' increased demands for "any and all" documents related to specific requests or specific issues; development of new technologies; and changing court and legislative interpretation related to exemptions. SPD, as well as most Washington State law enforcement agencies, must continue to balance these challenges with being as efficient as possible while ensuring adequate searches are conducted and responses are complete and accurate.

The recommendation provided in the audit report provides an excellent roadmap for continuing improvements in SPD's PDU processes. We agree that the first two recommendations are a prerequisite to ensure successful implementation of the remainder of the City Auditor's recommendations and we will move quickly to implement the recommendations: (1) Create a new position to handle the Public Disclosure Unit Supervisor's current caseload of complex requests; and (2) Implement a new request management system for the intake and tracking of public records requests. SPD has already identified and submitted a vendor contract request to move forward with the purchase and implementation of a software system. In addition, we will request from the City Budget Office authority and budget to hire a new employee to take over the workload of the current PDU manager to allow her the necessary time to focus on supervision and process improvement.

Finally, we would like to highlight steps that SPD has engaged in over the last year in an effort to respond completely and accurately to public disclosure requests.

- A Public Disclosure Steering Committee meets weekly with Assistant City Attorneys to discuss complicated requests and develop a strategy to respond to requests. The committee is comprised of SPD's Chief Administrative Officer, SPD's Public Disclosure Manager, SPD's Records Manager, SPD's Legal Advisor or designee, and SPD's Compliance Captain or designee.



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- Law Department's updated formal written exemptions updated for PDU responses as Court and Legislative changes occur. Training provided for staff as needed.
- As necessary, meeting with subject matter experts to discuss exemption requirements.
- Mandatory on-line department-wide Public Disclosure Training completed.
- Full-time equivalent project manager assigned to find solutions regarding video collection management from inception to public disclosure.
- Formal training at least twice per year for Public Disclosure staff.
- Ongoing informal training with Law Department as needed.
- Addition of new Admin Spec III position with 2014 budget. Position hired in April 2014.
- Two additional long-term temp Admin Spec II positions hired in October 2014.
- Updated formal policy and procedures manual completed in November 2014.
- Breeze technology fully functioning with E-Discovery Search Tool which facilitates department-wide searches to respond to E-Mail public disclosure requests.
- In-car video system made available to PDU staff to search and identify responsive video for public disclosure requests.
- Participation of both Records Manager and PDU Manager on Records Retention Committee where new technologies are discussed.
- Compiled list of exemption laws that govern police data.
- Public Disclosure tracking system posted to [data.seattle.gov](http://data.seattle.gov).
- In-car video logs posted to [data.seattle.gov](http://data.seattle.gov).
- Guidelines in use that provide timeframes for responding to difficult requests.
- Guidelines in use to identify key points of contact for frequent requests.
- Guidelines updated to identify key points of contact for all Investigative Units (Narcotics, Burglary/Theft, Vice & High-Risk Victims; Special Investigations; Forensic Support; Internet Crimes Against Children; Special Victims).
- Escalation process implemented to facilitate timely responses from internal staff for public disclosure request.
- Business process in place to provide responsive documents to requestors for a single incident report within five business days.
- 90% completion on revised Website for PDRs.

Again, thank you for the opportunity to review the draft audit report and provide comments. If you have any questions or would like additional information, please call me at (206) 684-5773.

cc: Valarie Anderson  
Bonnie Voegelé  
Sheila Friend-Gray

## APPENDIX G

### Office of City Auditor Mission Statement

#### **Our Mission:**

To help the City of Seattle achieve honest, efficient management and full accountability throughout City government. We serve the public interest by providing the City Council, Mayor and City department heads with accurate information, unbiased analysis, and objective recommendations on how best to use public resources in support of the well-being of Seattle residents.

#### **Background:**

Seattle voters established our office by a 1991 amendment to the City Charter. The office is an independent department within the legislative branch of City government. The City Auditor reports to the City Council and an audit committee, and has a four-year term to ensure her/his independence in deciding what work the office should perform and reporting the results of this work. The Office of City Auditor conducts performance audits and non-audit projects covering City of Seattle programs, departments, grantees, and contracts. The City Auditor's goal is to ensure that the City of Seattle is run as effectively and efficiently as possible in compliance with applicable laws and regulations.

#### **How We Ensure Quality:**

The office's work is performed in accordance with the Government Auditing Standards issued by the Comptroller General of the United States. These standards provide guidelines for audit planning, fieldwork, quality control systems, staff training, and reporting of results. In addition, the standards require that external auditors periodically review our office's policies, procedures, and activities to ensure that we adhere to these professional standards.