



**Seattle** Office of  
Inspector General

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## **Biannual Review of SPD Compliance with Chapter 14.12 of Seattle Municipal Code - August 2024**

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November 2025

## Objective and Scope

The Office of Inspector General (OIG) conducted this biannual review pursuant to Seattle Municipal Code 14.12 – ‘Collection of Information for Law Enforcement Purposes’.<sup>1</sup> The objective of this review is to determine whether the Seattle Police Department (SPD) complied with applicable regulations for the collection of private sexual information and restricted information, per the requirements in [Seattle Municipal Code Chapter 14.12](#)<sup>2</sup> for the 6-month period from January 1, 2025 to June 30, 2025.

## Chapter 14.12 Overview

### Origin of Chapter 14.12

In 1979, the Seattle City Council unanimously passed Ordinance 10833, restricting how the Seattle Police Department could collect, receive, transmit, and use information related to sexual orientation, political affiliation, and religion. The ordinance became Chapter 14.12 of Seattle Municipal Code, Collection of Information for Law Enforcement Purposes. When it was passed, Ordinance 10833 was recognized as one of the first local ordinances to restrict certain information collected by police departments. Chapter 14.12 has not been substantially altered since 1982. Prior OIG reviews have found that the ordinance is significantly outdated and does not provide sufficient guidance for modern day policing.

### Open Recommendations from Prior OIG Review

Chapter 14.12 covers two main categories of information: private sexual information and restricted information. Private sexual information includes information on an individual’s sexual orientation or sexual practices. Restricted information covers a wide range of information on the political and religious beliefs of individuals and organizations (see figure 1 below). This report uses the term “protected information” to refer to all information covered by the Chapter.

Review	Recommendation
2023	Seattle City Council, in consultation with SPD and OIG, should amend Chapter 14.12 of Seattle Municipal Code to reconcile Chapter 14.12 and SPD body-worn video policy during protest events.
2023	Seattle City Council, in consultation with SPD and OIG, should amend Chapter 14.12 of the Seattle Municipal Code to provide updated guidance on how SPD may collect and record information without unreasonably infringing upon individual rights. The updated guidance should consider modern technology and more clearly define when SPD must request an authorization to collect restricted and private sexual information.

1 SMC 14.12.150(E) and SMC 14.12.330(B)(1)(A). The responsibilities of ‘the Auditor’ identified in the Chapter 14.12 were transferred to OIG in the 2017 Accountability Ordinance (Ordinance 125315).

2 This report will refer to the SMC as “Chapter 14.12” or “the Chapter”.

## Information Protected by Chapter 14.12

Chapter 14.12 covers two main categories of information: private sexual information and restricted information. Private sexual information includes information on an individual’s sexual orientation or sexual practices. Restricted information covers a wide range of information on the political and religious beliefs of individuals and organizations (see Figure 1 below). This report uses the term “protected information” to refer to all information covered by the Chapter.

**Figure 1: Categories of Information Protected by Chapter 14.12**

Information Protected Under Chapter 14.12	
Private sexual information	Information about an individual’s sexual practices or orientation.
Restricted Information	Information about: <ol style="list-style-type: none"><li>1. An individual’s political or religious associations, activities, beliefs, or opinions;</li><li>2. The political or religious activities, beliefs or opinions, and the membership, mailing, subscription, or contributor lists of certain types of organizations, including political and religious organizations; or</li><li>3. An individual’s membership or participation in such an organization, in a political or religious demonstration, or in a demonstration for community purposes.</li></ol>

Source: Seattle Municipal Code Ch. 14.030

## SPD Did Not Create Any Authorizations Within the Period of Review

SPD Policy requires that SPD notify OIG of each authorization for the collection of protected information to allow OIG to review the authorizations and any related investigative files. The Criminal Intelligence Unit reported that they did not create any authorizations for the collection of protected information during the review period of January through June 2025.

## Sample of Department Reports Found No Violations of SMC 14.12

Chapter 14.12 requires that OIG conduct a random check of department files as part of its review. OIG reviewed a judgmental sample of both SPD intelligence unit and general SPD reports and did not find any violations of Chapter 14.12.

## Videos of a Protected Demonstration were not Provided to Criminal Intelligence Units

SPD Policy requires the Criminal Intelligence Unit to manage all videos and photographs taken by the Department of demonstrations protected by Chapter 14.12.<sup>3</sup> This includes receiving original copies, determining whether to retain or purge in accordance with the Chapter, and maintaining a log of all materials. Additionally, SPD Policy states that videos of demonstrations protected by SMC 14.12 obtained

<sup>3</sup> SPD Policy 6.06-POL-3(4) and POL-4(1).

by external entities will be sent to the Criminal Intelligence Unit for review within 72 hours after the video is obtained.

This review accessed two short videos of a protected demonstration in the Department’s digital evidence management system, submitted by a community member for the purpose of identifying an assault suspect. While this material is likely exempt from 14.12 because the subject’s participation in the protest was incidental to the assault investigation, SPD personnel are still expected to send such materials to the Criminal Intelligence Unit for appropriate management.<sup>4</sup> In this instance they did not.

OIG is aware of another, separate, instance where SPD personnel did not send pictures of a protected demonstration to Criminal Intelligence Unit. However, the specific circumstances of that instance are not discussed in this report as it is the subject of an ongoing OPA investigation.

SPD currently lacks adequate procedures to ensure pictures or video of demonstrations originating from outside the Criminal Intelligence Unit will be sent to the Criminal Intelligence Unit. Because any Department personnel responding to a demonstration have the potential to capture or handle restricted information about participants, SPD should seek to implement policy through multiple controls. Examples of controls SPD may consider include but are not limited to the following:

- Implementing frequent officer training for all units about 14.12 requirements and protections, especially units who often respond to protests.
- Integrating 14.12 requirements into pre-established demonstration planning. For example, 14.12 procedures could be included in demonstration briefings, debriefs, roll call, and Incident After-Action Reports.
- Requiring all command staff to inquire about images taken during demonstrations and report these images to Criminal Intelligence at the conclusion of demonstrations.
- Updating SPD’s digital evidence management system to require all officers disclose whether the evidence submitted was captured during a demonstration.

### Recommendation 1: Implement Procedures

SPD should implement procedures to ensure that Department personnel will promptly send photo or videos of demonstrations protected by Chapter 14.12 to the Criminal Intelligence Unit.

4 SMC 14.12 exempts incidental references to restricted information. SPD interprets the incidental references exemption to include circumstances in which SPD retains evidence placing an individual at a location at the time a crime was committed, regardless of whether affiliation with a particular political or religious identity could be inferred.

## Appendix A: Department Response

1. SPD should implement procedures to ensure that Department personnel promptly send photo or videos of demonstrations protected by Chapter 14.12 to the Criminal Intelligence Unit.

### SPD Management Response

☒ Concur   ☐ Do Not Concur

**Estimated Date of Implementation:** N/A

### Proposed Implementation Plan:

SPD is grateful to OIG for auditing its compliance with SMC 14.12 - this oversight should reassure our communities that SPD is trying to follow the rules. The one recommendation is fully reasonable under SPD policy and the current common interpretation of SMC 14.12. We concur and will implement with the caveat that the volume of information that SPD collects (especially under the Executive Order mandating BWC use at demonstrations) makes strict compliance with the actual language of SMC 14.12 incredibly difficult. SMC 14.12 was drafted before the advent of digital video systems, In-car video, Body Worn Cameras, or the Real Time Crime Center. Therefore, in addition, SPD proposes that SPD and the accountability partners discuss SMC 14.12 with the law department and either come to a better understanding of what is prohibited and either how the ordinance should be interpreted or how it should be redrafted to accommodate operational realities. We submit that SPD practices “do not unreasonably: (a) infringe upon individual rights, liberties, and freedoms guaranteed by the Constitution of the United States or of the State—including, among others, the freedom of speech, press, association, and assembly; liberty of conscience; the exercise of religion; and the right to petition government for redress of grievances; or (b) violate an individual’s right to privacy.”