

# Seattle Police Department Manual

## **12.080 – Disclosure of Department Records**

Effective Date: 03/01/2019

### **12.080-POL**

This policy applies to the retention, and disclosure of Department records.

#### **1. All Records are Subject to Public Disclosure Unless a Specific Legal Exemption Exists**

Per [RCW 42.56.070](#), the Department must make all public records available to a requester, unless the record falls within the specific exemptions in the [Public Records Act \(PRA\)](#) or other statute which exempts or prohibits disclosure of specific information or records.

#### **2. Public Records are Available for Release to the Maximum Extent Allowed by Law**

A public record is any writing containing information relating to the conduct of the Department or the performance of any governmental or proprietary function prepared, owned, used, or retained by the Department, regardless of physical form or characteristics.

- Public records may include records received or created that relate to the conduct of the Department or the performance of any governmental or proprietary function that are prepared, owned, used, or retained by the Department.
- The Department frequently receives records from outside agencies. Any and all records that are in the Department's possession are Department records for the purposes of the PRA.
- A writing includes handwriting, typewriting, printing, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes,

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sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

Under [RCW 42.56 Public Records Act \(PRA\)](#) as interpreted by Washington courts, all Department records must be identified to the public, so long as the records are not part of an open and active investigation.

**Exception:** Department records that fall under a specific exemption within the PRA or other statute are not required to be produced to the public. Specific exemptions include, but are not limited to, public safety considerations and privacy concerns.

- The Department cannot withhold an entire record because portions of it fall under an exemption. The Department shall redact exempted information and release the record with an explanation for any redactions.

### **3. All Records That Relate to a Public Disclosure Request (PDR) Must Be Provided or Identified to the Legal Unit**

If an employee withholds known records that relate to a PDR, he or she may be subject to civil liability and/or Department discipline.

Employees will be contacted by the Legal Unit or will receive an email from the City of Seattle Public Records Request Center assigning an activity to provide records responsive to a PDR. Employees will search for and provide records as indicated in the activity email.

The activity email will identify the Public Disclosure Officer (PDO) assigned responsibility for processing the PDR.

Employees are advised to contact the assigned PDO when they are uncertain whether records that they have constitute records that relate to a PDR.

### **4. Officers/Detectives Must Ask Victims, Witnesses, and Complainants if They Want Their Identifying Information Disclosed or Not Disclosed**

When gathering information at the time of reporting, officers and detectives must ask victims, witnesses, and complainants if they want their identifying information disclosed or not

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disclosed. This decision supersedes any disclosure requests made by another person.

When a victim, witness, or complainant is unable to discuss disclosure due to incapacity, and the officer believes disclosure would threaten the life, safety, or property of the person the reporting officer will indicate non-disclosure for the person.

## 5. The Legal Unit Responds to PDRs

The Legal Unit handles all PDRs in accordance with the Public Records Act (PRA).

- Any Department employee who receives a PDR, or any request that appears to be a PDR, shall immediately forward it to the Legal Unit.
- The request does not have to cite the PRA.

There are four options for members of the public to submit PDRs:

- [Records Request Center \(GovQA\)](#) \*\*preferred method\*\*
- Mail: SPD PDU; PO Box 34986; Seattle, WA 98124-4986
- Fax: (206) 684-5240
- In-person at the public counter at SPD Headquarters, 610 5th Ave

(See 12.080-PRO-1 Handling Public Disclosure Requests)

## 6. Public Request Unit (PRU) Responds to Certain Requests

The PRU handles the following:

- Requests for police reports
- Requests for clearance letters
- Fingerprinting and criminal background checks on applicants for concealed pistol licenses
- Fingerprinting criminal justice applicants
- Fingerprinting citizens for general purposes

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- Processing applications for transferring ownership of handguns
- Electronically redacting police reports for release to [Online Police Reports](#)

## 7. Crime Records Unit (CRU) Responds to Certain Requests

The CRU receives and records all incoming requests for Reports from other City departments and from other law enforcement agencies, as well as from insurance companies.

## 12.080-PRO-1 Handling Public Disclosure Requests

### Legal Unit

1. **Receives** PDR
2. **Contacts** relevant units or specific employees to request records and provides a due date

### Relevant Unit/Employee

3. **Gathers** all relevant records and contacts Legal Unit with any questions
  - a. If an employee believes that some or all of the information in the record(s) is protected from public disclosure, **provides** the record(s) to the Legal Unit, with a memo stating what should be protected and why
  - b. Whether the record(s) at issue is protected from public disclosure shall be discussed within the Legal Unit
4. **Provides** records to Legal Unit by the due date

### Legal Unit

5. **Collects** records and makes any and all necessary redactions
6. **Provides** records to the requestor