



# Seattle Police Department Policy Manual



## **6.060 – Collection of Information for Law Enforcement Purposes**

Effective Date: 01/06/2021

This policy applies to all Department personnel that collect and disseminate private sexual information and restricted information for law enforcement purposes. The purpose of this policy is to ensure that the collection and review of such information serves a legitimate law enforcement purpose and does not unreasonably infringe upon individual rights, liberties, and freedoms secured by the Constitution of the United States and of the State of Washington, 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 violate an individual's right to privacy.

This policy is intended to provide guidance in applying [SMC Chapter 14.12](#). Department personnel are required to be familiar with that Chapter and should refer to that Chapter as needed.

Private Sexual Information means any information about an individual's sexual practices or orientation.

Restricted Information means information about:

- An individual's political or religious associations, activities, beliefs, or opinions';
- The political or religious activities, beliefs, or opinions and the membership, mailing, subscription, or contributor lists of a political or religious organization, an organization formed for the protection or advancement of civil rights or civil liberties, or an organization formed for community purposes;
- An individual's membership or participation in such an organization, in a political or religious demonstration, or in a demonstration for a community purpose.

### **1. Department Personnel Will Ensure That Investigations Which Collect or Rely On Restricted Information Have a Legitimate Law Enforcement Purpose**

# Seattle Police Department Policy Manual

## **2. Except as Provided Below, Department Personnel Will Not Collect Private Sexual Information or Restricted Information about an Individual Absent an Authorization by a Lieutenant or Above**

### **Exceptions:**

- Information may be collected as part of a criminal investigation where the subject of that information supplies the information to department personnel, as in reporting of a bias crime;
- Information may be collected as part of a criminal investigation based upon reasonable suspicion and where the subject of the investigation has made that information readily reviewable by any member of the public, as in unrestricted social media postings;
- Information may be collected as provided to SPD by a third party reporting a crime.
- Information may be collected when necessary to provide religious accommodation.

(See [SMC Chapter 14.12](#) and [RCW 49.60](#))

## **3. Department Personnel Will Not Provide or Disclose Private Sexual Information or Restricted Information Under any Government Program Compiling a List, Registry, or Database Based on Religious Belief, Practice, or Affiliation, or National Origin, or Ethnicity for Law Enforcement or Immigration Purposes**

## **4. Department Personnel Will Not Investigate, Enforce, or Assist in the Investigation or Enforcement of any Criminal, Civil or Administrative Violation of any Requirement that Individuals Register with the Federal Government or any Federal Agency Based on Religion**

## **5. Department Personnel Will Not Use Public Funds, Facilities, Property, Equipment, or Personnel to Create a List or Database of Personally Identifiable Information Based on an Individual's Religious Belief, Practices, or Affiliation**

## **6. Lieutenant or Above May Issue an Authorization for the Collection of Information that Relates to Political Affiliation or Sexual Orientation and Serves a Legitimate Law Enforcement Purpose**

Any unit obtaining an authorization must register it with the Criminal Intelligence Section. All units must maintain records of their authorizations.

# Seattle Police Department Policy Manual

Employees will not investigate, or collect information, on groups or individuals related to their political, or their sexual orientation, unless it serves a legitimate law enforcement purpose and is approved via the authorization process.

## **7. Department Personnel May Take Video and Photographic Documentation of Individuals Participating in a Demonstration Under Certain Circumstances**

Employees May Take Photographs of Demonstrators Under the Following Conditions:

- When there is reasonable suspicion of criminal activity.

This includes taking baseline shots to later identify individuals who don masks or otherwise may alter their appearance, when there is an existing authorization or criminal activity is reasonably anticipated. If no criminal activity occurs, the information shall be purged unless retention is approved via an authorization.

- When actual criminal activity is occurring.

## **8. Department Personnel May Take Photographs During a Demonstration to Document the Event**

Photographs by officers are permitted to document the event, but employees must take care to ensure that individual demonstrators are not readily identifiable in any such images. If possible, any documentary photographs should be long-range to reduce the likelihood of identifying any individual demonstrators.

## **9. Department Personnel Will Not Video Record Individuals Lawfully Demonstrating, Unless Ordered to do so by a Lieutenant or Above**

Except for body-worn or in-car video, Department employees who are not assigned to the Video Unit or the Criminal Intelligence Section shall not take video during a demonstration, unless ordered to do so by a lieutenant or above.

When safe and practical, employees will activate body worn video and/or in-car video when an imminent risk to public safety or large-scale property damage appears likely.

See Manual Section [16.090 – In-Car and Body-Worn Video \(1\)\(g\)](#)

# Seattle Police Department Policy Manual

## **10. Criminal Intelligence Section Receives and Vets Original Copies of all Videos and Photographs Taken at a Demonstration Covered by the Ordinance**

Employees will send original copies of all videos and photographs taken at a demonstration to the Criminal Intelligence Section within 24 hours of the event.

Employees will not make or retain any copies of these videos and photographs.

Within five days of the demonstration, the Criminal Intelligence Section will purge all videos and photographs not covered by an authorization to be retained.

**Exception:** This section does not apply to in-car and body-worn video.

## **11. Criminal Intelligence Section Maintains a Log of All Videos and Photographs Received**

Employees will store documentation covered by an authorization in the appropriate case file. The Department may actively collect additional information on the case as long as the authorization remains current.

When an authorization expires or closes, the associated case file becomes inactivated. The Criminal Intelligence Section may keep inactivated cases for up to five years, after which, the file will be securely sequestered from the rest of the Department. The Department will not actively collect additional information on or further investigate inactivated cases, although de minimus updates may be added without reactivation. The Criminal Intelligence Section will purge case files within five years of being inactivated.

The Criminal Intelligence Section maintains a log of all files purged, containing the file number of the event.

## **12. Infiltration of Political and Religious Organizations Requires Authorization from the Chief of Police, or Designee**

Undercover officers, cooperating witnesses and confidential informants acting under the control of the Department may only infiltrate a political or religious organization under the authorization of the Chief of Police (or designee). Undercover officers participating in demonstrations will not incite or encourage any actions by the crowd but may actively protest. The authorization lasts until it expires or is closed.

This does not preclude plain-clothes officers from being assigned to public demonstrations. Plain-clothes work is not affected by the Investigations

# Seattle Police Department Policy Manual

Ordinance nor this manual section, other than the restrictions on photography and video.