



Seattle Office of Police Accountability

June 25, 2019

Chief Carmen Best
Seattle Police Department
PO Box 34986
Seattle, WA 98124-4986

Dear Chief Best:

Please see the below Management Action Recommendation.

Case Number

- 2019OPA-0097/2019COMP-0017

Topic

- Criminal Justice Information Systems

Summary

- It was alleged that several Named Employees violated Department policy by improperly accessing the National Instant Criminal Background Check System (NICS) database while performing checks relating to Extreme Risk Protection Orders (ERPOs).

Analysis

- *SPD Policy 12.050-POL-2* states that inquiries through criminal justice systems, including NICS, “are only to be made for legitimate law enforcement purposes.”
- As set forth in the Washington State Patrol ACCESS Operations Manual, law enforcement use of NICS is only authorized for the transfer of a firearm, issuance/renewal of a concealed pistol license, and disposition of a firearm from evidence. While performed in good faith, Department inquiries conducted in the context of ERPOs proved inconsistent with the permitted usage of the NICS database.

Recommendation(s)

- Reiterate to all officers the restrictions on the use of the NICS database.
- Provide additional training and/or revisions to the applicable policies to ensure the database is not improperly accessed in the future.

Thank you for your consideration of this matter. I look forward to your response.

Sincerely,

AM

Andrew Myerberg
Director, Office of Police Accountability