Memo

Date: August 3, 2021

To: Chair Alex Pedersen - Transportation & Utilities Committee

From: Jim Loter, Interim Chief Technology Officer

Subject: Group 4 Surveillance Impact Report (SIR) Extension Request

Purpose

On March 26, 2021, Seattle IT transmitted the Group 4 SIR extension request memo to the City Council requesting the retroactive SIR submission deadline be extended to September 1, 2021 from March 1, 2021. The City Council approved the memo through Clerk File 314471 on April 12, 2021. As noted below from the prior memo, Seattle IT is following up with this subsequent extension memo to coincide with the Group 4 SIR and public engagement timelines. Seattle IT and stakeholder departments respectfully request a six-month extension to the previously identified deadline of September 1, 2021 to March 1, 2022. The six-month extension interval is consistent with the previous extension request.

The extension request memo for Clerk File 314471 stated, *"In an effort to answer that call and ensure completion of the SIR review process for all Master List technologies according to ordinance deadlines, we, on behalf of stakeholder departments and with concurrence with the Community Surveillance Working Group, request the retroactive SIR submission deadline be extended to September 1, 2021 from March 1, 2021. As indicated in the included revised Group 4 SIR work plan, this extension will allow for an extended public engagement process that will include an increased number of comment opportunities facilitated by the City. To accommodate this extended, 9-month engagement process, we expect to submit on behalf of the Community Surveillance Working Group a subsequent extension memo in August to coincide with the Group 4 SIR timelines included below."*

Summary

In addition to accommodating the Working Group's request for addition public comment, the City recognizes the challenges the COVID-19 pandemic brought to the completion of the Surveillance Impact Report ("SIR") review process and supports an extension request. The City's COVID-19 response has resulted in unexpected delays to SIR submissions, specifically:

- Re-prioritization of City efforts in response to COVID-19 pandemic has delayed work on non-COVID related activities, including work on SIRs.
- Compliance with Washington State Governor's Proclamation 20-28.15 in effect since January 2021 and the provisions contained in Proclamation 20-28.14 requiring public meetings be held remotely.

While the proclamation orders are in place, we have used interactive, online public meeting technologies, like WebEx, to meet the Surveillance Ordinance public engagement requirements and ensure ample opportunity for community input. The updated schedule and public engagement plan is provided in Exhibit A, which provides a timeline for submitting the remaining SIRs by December 31, 2021.

Over the course of June and July, ITD held two public engagement meetings with SPD attending to provide a presentation and summary of four technologies under review in Group 4A: Callyo, Audio Recording Systems, I2 iBase, and Maltego. These meetings provided opportunities for questions and answers as well as more information on the usage and protections associated with the technologies. Additionally, as requested by members of the public and the Working Group, this comment period was open for approximately 59 days to allow for open comment opportunities regarding the technologies. We expect to continue a similar length for the next grouping considering the sensitive nature of the technologies.

Despite these delays in public engagement and SIR submission, work has continued on compliance efforts related to the Surveillance Ordinance, including the on-time submission of all CTO Quarterly Determination Reports, as well as collaboration with the City Auditor's Office on the Annual Surveillance Usage Review. Additionally, during this time, the Privacy Office (on behalf of the CTO) will prepare the CTO's September 2021 Surveillance Technology Community Equity Impact Assessment and Policy Guidance Report.

Compliance Deliverables	
Item	**Date**
Q1 Determination Report	April 30, 2021
Q2 Determination Report	July 31, 2021
CTO Equity Impact Assessment	September 15, 2021
Q3 Determination Report	October 31, 2021
Q4 Determination Report	January 31, 2022

Exhibit A: Group 4 SIR Timeline & Community Engagement Plan

Group 4A/4B Schedule

Items	Date
Draft and Prep for Public Engagement	February 2021 – May 2021
Public Comment Period	June 2021 – August 2021
Working Group Review	August 2021 – October 2021
SIR Finalization	November 2021
Council Submission **Group 4A:** 1) SFD Emergency Scene Cameras 2) SFD Hazmat Cameras 3) SDOT Acyclica*	August 2021 ITD is planning to submit the SFD Emergency Scene Cameras and Hazmat Cameras SIR legislation in August for Council consideration. *SDOT is currently examining the possibility of discontinuing the use of Acyclica and will provide a status update at the Transportation and Utilities Committee meeting in September 2021.
Group 4A: 1) SPD Audio Recording Systems 2) SPD Callyo 3) SPD I2 iBase 4) SPD Maltego	December 2021 The extended public engagement process and completing the review of four technologies in Group 4A and seven technologies in Group 4B is a 9-month process. The 11 remaining technologies in Group 4A/4B with the extended public engagement process will be ready for Council submission in December 2021.
Group 4B: 1) Camera Systems	December 2021

2) Tracking Devices 3) Remotely Operated Vehicles (ROVs) 4) Hostage Negotiation Throw Phone 5) Crash Data Retrieval 6) GeoTime 7) Computer, cellphone and mobile device extraction tools	The extended public engagement process and completing the review of four technologies in Group 4A and seven technologies in Group 4B is a 9-month process. The 11 remaining technologies in Group 4A/4B with the extended public engagement process will be ready for Council submission in December 2021.

SIR Status

With Group 1, Group 2, and Group 3 SIRs transmitted by the March 1, 2021 date, 14 of the 28 technologies on the Master List have been submitted to the City Council. The Working Group has been consulted to determine the scope and timeline to finalize Group 4 SIRs, with public engagement conducted through August 2021. This Revised Master List with the "subgrouping" of Group 4 into 4A and 4B respectively ensures there is adequate time for review devoted to each technology without overlap between the many technologies under review.

Working Group Engagement

The Working Group plays a role in drafting an impact assessment as a part of the SIR process and will be engaged to ensure any revised timelines include the 6-8 week review time described by the Surveillance Ordinance:

At the conclusion of the public engagement period, the CTO shall share the final proposed SIR with the Working Group at least six weeks prior to submittal of the SIR to Council for approval. The Working Group shall provide its impact assessment in writing to the Executive and the City Council for inclusion in the SIR within six weeks of receiving the final proposed SIR. If the Working Group does not provide the impact assessment before such time, the Working Group must ask for a two-week extension of time to City Council in writing. If the Working Group fails to submit an impact assessment within eight weeks of receiving the SIR, the department and City Council may proceed with ordinance consideration without the impact assessment.

Public Engagement

Given the statewide orders regarding public meetings as well as social distancing guidelines for protecting public health continuing into 2021, we needed to reconcile the public engagement limitations with Ordinance requirements. Specific language in the Ordinance follows:

14.18.020.C: Prior to requesting Council approval pursuant to subsection 14.18.020.A, the department must complete one or more community meetings with opportunity for public comment and written response. The Council may direct the department to conduct additional community engagement before approval, or after approval as a condition of approval. The community meeting or meetings should be accessible, be noticed in multiple languages, be held in communities impacted by the proposed acquisition, and collect information about potential disparate impacts on disadvantaged groups.

14.18.040.B.4: A description of any community engagement held and any future community engagement plans, including statistics and demographics on attendees, a compilation of all comments

received and departmental responses given, and departmental conclusions about potential neighborhood and disparate impacts that may result from the acquisition.

Although there are challenges and limitations with hosting virtual public meetings, we expect to be able to satisfy the public involvement requirements of the Ordinance regarding location, inclusion of attendee demographic information, comments, answers and analysis in the SIR submission. Additionally, per the requests from community stakeholders, a longer public engagement period of approximately 60 days (per each subgroup) will occur. In order to ensure opportunities for attendance, at least two public engagement meetings will be scheduled.