

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	Executive Contact/Phone:
Seattle IT, Seattle Police Department	Mary Perry/727-8805 Michael Mattmiller/233-7937	Kara Tillotson / 684-5292 Amy Tsai/684-5509

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

a. Legislation Title: Relating to The City of Seattle’s acquisition and use of surveillance technologies; repealing Chapter 14.18 of the Seattle Municipal Code (SMC), consisting of Sections 14.18.10, 14.18.20, 14.18.30, and 14.18.40 SMC; and adding a new Chapter 14.18 to the SMC, consisting of Sections 14.18.010, 14.18.020, 14.18.030, 14.18.040, 14.18.050, 14.18.060, 14.18.070, 14.18.080, and 14.18.090.

b. Summary and background of the Legislation:

This legislation repeals and replaces Chapter 14.18 of the Seattle Municipal Code with a new Chapter 14.18. The intent of the legislation is to govern the City’s acquisition and use of surveillance technology, require a publicly transparent and accountable process for procurement and operation of surveillance technology, and establish protocols for City Departments to mitigate civil liberties concerns and incorporate racial equity principles into such protocols.

Key components of the legislation include but are not limited to:

- Requiring City departments intending to acquire surveillance technology to obtain Council ordinance approval of the acquisition and an accompanying surveillance impact report;
- Requiring City departments to complete one or more community meetings related to the technology prior to requesting Council approval;
- Requiring departments to submit Surveillance Impact Reports for each technology requesting Council approval;
- Requiring an annual equity impact assessment;
- Requesting annual reviews by the City Auditor and future Inspector General for Public Safety;
- Creating a private right of action;
- Requiring existing surveillance technologies to receive Council approval over time; and
- Directing the creation of a workgroup to make recommendations on how to utilize community expertise to advise the Council on surveillance.

2. CAPITAL IMPROVEMENT PROGRAM

a. Does this legislation create, fund, or amend a CIP Project? ___ Yes ___X___ No

b.

3. SUMMARY OF FINANCIAL IMPLICATIONS

a. Does this legislation amend the Adopted Budget? ___ Yes ___X___ No

b. Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

The legislation has long-term financial impacts to the City that are not reflected above including impacts to the following departments:

Seattle Department of Information Technology

Responsibilities include:

- Reviewing surveillance technology, ensuring proper procedures are followed and providing technology assistance to departments. Departments may lean heavily on Seattle IT to provide expertise during the development of their existing surveillance technology lists and corresponding approval requests.
- Leading the Executive in development of a quarterly report to Council listing all technologies for which the Executive made a determination that the technology is not surveillance and providing justification for each item.
- Maintaining a public website listing surveillance technology that has been exempted by Council.
- Preparing a privacy and civil liberties impact assessment for any technology proposed by a non-SPD City department, if directed by Council.
- Producing and submitting annually to the City Council a Surveillance Technology Community Equity Impact Assessment and Policy Guidance. The report should note whether this legislation (Chapter 14.18) is meeting the goals of the Race and Social Justice Initiative, what adjustments to laws and policies should be made to remedy any disproportionate impacts, and any new approaches the City Council should bring to future reviews of surveillance technology.
- Directing any department not in compliance to cease use of the surveillance technology or its data.

In order to perform this work, Seattle IT estimates they will need two positions starting in 2017 and \$100,000 one-time funding for initial implementation costs. Assuming a September start date, the cost to hire the two positions in 2017 is approximately \$95,000 (estimated \$280,000 annually). It is anticipated that these positions are a long-term need and will require consideration in the 2018 Budget, particularly while existing technologies are going through a process of being approved by Council.

Office of Inspector General for Public Safety

Responsibilities include:

- Having the authority to prepare a privacy and civil liberties assessment for any technology proposed by SPD.

- Having the authority to conduct an annual review of the City's use of surveillance technology and the extent to which departments are in compliance with the requirements of this Chapter 14.18 and with the terms of approved SIRs.

As the Office of the Inspector General for Public Safety has not been implemented yet and the number of technologies that will qualify as surveillance technologies is still being evaluated, it is unclear how the workload imposed by this legislation fits into the OIG's annual workplan and available resources.

Office of the City Auditor

Responsibilities include:

- For all non-SPD departments, the City Auditor shall conduct an annual review of the City's use of surveillance technology and the extent to which departments are in compliance with the requirements of this Chapter 14.18 and with the terms of approved SIRs.

At this time, it is unclear how this work fits into the City Auditor's annual workplan and available resources. The more technologies that qualify as surveillance technologies, the heavier the workload would be for an annual auditing function. With incomplete information, the City Auditor provided an estimate of \$500,000 for a consultant contract to perform work related to this legislation in the first year; that number could be lower as the City further refines what is within the scope of the legislation and as it becomes clear at what pace Council can approve surveillance impact reports for existing and new surveillance technologies. It is unclear whether some or all of these costs could be absorbed within the Office of City Auditor's 2018 Endorsed Budget of \$1,795,041 which includes 9.5 FTEs.

Other City Departments:

Responsibilities include:

- Each City department shall submit a list of all surveillance technology that it controls and is utilizing within 90 days of the effective date of this ordinance.
- If a technology is considered surveillance by the CTO, departments must hold at least one public meeting and submit a Surveillance Impact Report (SIR).
- City departments shall submit request for Council approval of the existing technology at a rate of at least one per month beginning no later than 30 days after the technology list is submitted to Council.
- New technologies must go through the same process of CTO determination of surveillance technology, public meeting, and SIR submittal for Council approval.
- Departments must ensure compliance with SIR's approved by Council.

It is currently assumed that City departments will be able to absorb the additional workload created by this legislation within existing resources. However, the department's do not know how many items may need to seek Council approval, which may alter the workload of individual departments. There will likely be Citywide training costs.

Seattle Police Department (SPD)

The responsibilities of the Seattle Police Department mimic the “other city department” responsibilities noted above. However, the Seattle Police Department has the most significant workload of all the departments in terms of the number of technologies that will need to be submitted to the CTO for consideration, the number of SIR’s that will need to be completed and submitted to the Council for approval, the complexity of the SIRs and the public scrutiny on the department. As such, SPD estimates that they will need 2.0 FTE (estimated \$280,000 annually) for initial implementation of this legislation. It is anticipated that these positions will be needed for at least several years. It is currently unclear what the future workload may be once the backlog of existing technology has gone through the approval process laid out in this legislation but there will be an on-going body of work to monitor compliance with this legislation and the ordinances related to approved surveillance technologies.

Law Department

To the extent that an individual seeks relief in court, the City would incur defense expenses. The legislation does not allow for monetary damages. In addition, the Law Department will be assisting the CTO in determining which technologies constitute surveillance technology under the code language.

Council Central Staff

Existing surveillance technologies and future surveillance technologies will require Council approval by ordinance. There will be a body of start-up work for initial implementation to address the first surveillance impact reports coming to Council and a body of on-going work to staff ordinance approvals.

In the future, a community advisory group may provide advisory assistance to Council. That group will likely have staffing needs.

c. Is there financial cost or other impacts of *not* implementing the legislation?

There is no financial cost of not implementing the legislation.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

The legislation impacts all city departments with notable impacts on the Seattle Department of Information Technology, Seattle Police Department, Office of the City Auditor, Office the Inspector General for Public Safety and the City Council.

b. Is a public hearing required for this legislation?

No public hearing is required for this legislation.

c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

No property is involved with this legislation.

d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No publication of notice is required for this legislation.

e. Does this legislation affect a piece of property?

This legislation does not impact any property.

f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?

This legislation encourages City departments to incorporate racial equity principles into protocols for the use of surveillance technology to ensure that the technologies do not perpetuate institutionalized racism or race-based disparities.

Annually, the Chief Technology Officer will issue a report to include whether the legislation is meeting the goals of the Race and Social Justice Initiative, including whether any communities and groups in the City are disproportionality impacted by the use of surveillance technology.

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).

Annually, the Chief Technology Officer will issue Surveillance Technology Community Equity Impact Assessment and Policy Guidance Report to include:

- Whether the legislation is meeting the goals of the Race and Social Justice Initiative, including whether any communities and groups in the City are disproportionality impacted by the use of surveillance technology;
- What adjustments to laws and policies should be made to remedy any disproportionate impacts; and
- Any new approaches and considerations the City Council should bring to future reviews of requests for Council approval of technology.

h. Other Issues:

List attachments/exhibits below: