



Memo

Date: 8/31/2022

TO: Councilmember Sara Nelson, Chair, Economic Development, Technology, and City Light Committee

FROM: Brian Maxey, ^{BM} Chief Operating Officer

SUBJECT: Group 4b Surveillance Impact Report (SIR) Extension Request – Callyo and Hostage Negotiation Throw Phone

Purpose

On March 8, 2022, the Seattle City Council approved the Group 4b Surveillance Impact Report (“SIR”) extension request, which requested that the prior SIR submission deadline be extended from March 1, 2022, to September 1, 2022. Earlier today, Seattle IT (“ITD”) submitted legislation covering six Seattle Police Department (“SPD”) technologies to Council. For context, nineteen of the original technologies on the Master List of Surveillance Technologies were SPD technologies; to date, seventeen of those technologies have been submitted for Council review and the remaining two are addressed by this memo. Specifically, SPD respectfully requests a final six-month extension, to March 1, 2023, to complete the SIR review and approval process for Callyo and Hostage Negotiation Throw Phone, the remaining two Group 4 SIR technologies. Both SIR packets have been completed by SPD and submitted to ITD (on 8/30/2022), but this six-month extension will allow ITD and SPD to execute their obligations to the fullest extent, including the Working Group and community engagement. These obligations are set forth in Exhibit A, attached hereto.

Summary

Although SPD and ITD timely completed the SIR process, including extensive public comment, for six SPD technologies in Group 4b, specific unexpected delays support this extension request for the remaining two technologies:

- The re-prioritization of City efforts in response to COVID-19 pandemic has delayed work on non-COVID related activities, including work on SIRs.
- Subject matter experts whose knowledge is a prerequisite to SPD’s analysis have experienced extensive staffing constraints, thereby truncating their otherwise normal availability for such work. Similarly, several of the same experts were also working on the completed SIRs submitted today.
- After SPD originally submitted the SIR for Callyo in Fall 2021, Motorola (the technology vendor) notified SPD that the City had violated the terms of service which strictly prohibited disclosure of even the existence or description of Callyo, details of which are integral to the SIR process. Upon receipt of this notice, SPD alerted the City Attorney’s Office, and halted all

work involving any detail or disclosure concerning Callyo, which included the attending SIR. Thereafter, and with the assistance of ITD, SPD negotiated a “side letter” with Motorola, finalized on August 5, 2022, permitting certain disclosures as required by law, without breaching Callyo’s terms and conditions, and that would provide notice to Motorola when such legally mandated disclosures were required.

This extension allows for adequate time for both the Working Group and the public to review and provide feedback on these important technologies. The revised workplan and public engagement process are included in the attached Exhibit A.

Below please find the proposed schedule for the two remaining SIRs (Callyo and Hostage Negotiation Throw Phone):

Items	Date
Prep for Public Engagement	September 2022
Public Comment Period	October 2022 – November 2022
Working Group Review	December 2022 – January 2023
SIR Finalization	February 2023
Council Submission	March 2023

cc: Dan Nolte, Council Liaison, MOS
Vinh Tang, IT Governance Advisor, MOS
Adam Schaefer, Legislation Coordinator, CBO
Ginger Armbruster, Chief Privacy Officer
Jim Loter, Interim Chief Technology Officer

BGM:lt

Exhibit A: SIR Status & Community Engagement Plans

SIR Status

Working Group input and public engagement have been completed as part of the review of all Master List of Technologies SIRs, except for the Callyo and Hostage Negotiation Throw Phone technologies. In accordance with the first extension and aligned with the proposed timeline set forth in requesting that extension, including a revised plan for public engagement, we have submitted all other six Group 4b technologies to Council on August 31, 2022.

Working Group Engagement

The Working Group plays an instrumental role in drafting an impact assessment as a part of the SIR process and will continue to be engaged to ensure completion of the remaining deadlines within 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 aforementioned statewide orders and associated guidance regarding Covid-19 and public meetings, as well as social distancing guidelines for protecting public health continuing into 2022, we have reconciled 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, in responding to requests from community stakeholders, we are proposing a longer public engagement period of approximately 60 days (per each subgroup), as well holding at least 2 public engagement meetings, at alternating times of day, to ensure and encourage opportunities for attendance.