

Updated April 05, 2024

## MEMORANDUM

**To:** Parks, Public Utilities and Technology Committee  
**From:** Tamaso Johnson, Analyst  
**Subject:** Council Bill 120753 – Authorizing approval of uses and accepting the surveillance impact report for the Seattle Police Department’s use of Callyo

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On Wednesday, March 27, 2024, the Parks, Public Utilities and Technology Committee discussed Council Bill (CB) 120753. The bill is intended to meet the requirements of [Seattle Municipal Code Chapter 14.18](#), Acquisition and Use of Surveillance Technologies.<sup>1</sup> CB 120753 would approve the Seattle Police Department’s (SPD’s) continued use of existing Callyo cell phone identification masking and recording technology and accept the Surveillance Impact Report (SIR) and an Executive Overview for this technology. The Executive Overview summarizes the operational policy statements which represent SPD’s allowable uses of Callyo equipment and data.

This memo describes Callyo technology and summarizes potential civil liberties impacts, potential disparate impacts on historically targeted communities and vulnerable populations, and the public engagement process, as reported in the SIR. It also summarizes key concerns and recommendations from the Community Surveillance Working Group’s Impact Assessment and, where relevant, responses to the Impact Assessment included in the version of the Callyo SIR submitted pursuant to this legislation. Finally, the memo identifies policy issues and potential amendments for Council consideration.

### Use of Callyo

SPD uses Callyo on department phones during criminal investigations to mask the identity of an undercover officer and, when authorized by a search warrant, to make audio recordings of telephone calls and/or ambient audio, and locate suspects using GPS (Global Positioning System). Callyo has been in use by SPD since 2013. Two SPD units oversee use of Callyo: the Technical and Electronic Support Unit (TESU) and the High Risk Victims Unit (HRVU). The HRVU uses Callyo to mask phone numbers but does not use recording functions. After receipt of a court order, the TESU can authorize trained officers from other units to use Callyo’s recording functionality when connecting into a willing participant’s conversation with a third party.

### Data Retention and Storage for Callyo

Data collected via Callyo is extracted onto physical media, such as a thumb drive, and provided to the investigative Officer/Detective to be entered into investigative files. Callyo-generated information that is outside the scope of the warrant and/or of no investigative value is purged by the investigative Officer/Detective. After providing the data to the investigative Officer/Detective, TESU purges all collected data from the Callyo system, retaining a log of requests, warrants, and extractions available for audit. Retained data is stored consistent with SPD Policy 7.010, which governs the submission of evidence and requires that all collected evidence be documented in a General Offense Report. SPD retains investigational conversation recordings for one year after transcribed verbatim and verified or until disposition of the pertinent case file, whichever is

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<sup>1</sup> (Ord. [125679](#), § 1, 2018; Ord. [125376](#), § 2, 2017.)

sooner, then destroyed, as called for in the [State Law Enforcement Records Retention Schedule](#).<sup>2</sup> All deployments of audio recording devices are subject to audit by the Office of Inspector General and the federal monitor at any time.

### Civil Liberties and Potential Disparate Impacts on Historically Marginalized Communities

Departments submitting a SIR complete an adapted version of the Racial Equity Toolkit (RET) to highlight and mitigate impacts on racial equity from the use of the technology. The RET for SPD's use of Callyo identifies potential civil liberties issues that include collection of personally identifiable information that could identify: (1) individuals who are associates of criminal suspects, and (2) victims of criminal activity, whose identities should be protected under state law. According to the SIR, SPD mitigates these risks and the risks of racial or ethnicity-based bias in its use of the audio recording systems by retaining as evidence only recordings relevant to the framework established by the warrant obtained for each use of the technology.

The SIR also identifies data sharing, storage, and retention as having the potential to contribute to structural racism and/or disparate impacts on historically targeted communities. According to the SIR, SPD mitigates these risks through policies regarding the dissemination of data in connection with criminal prosecutions, the [Washington Public Records Act](#), and other authorized researchers. In addition, the SIR cites [SPD Policy 5.140m](#), which forbids bias-based policing and outlines processes for reporting and documenting any suspected bias-based behavior, as well as accountability measures.

### Public Engagement

The Executive accepted public comments on this technology from May 26 – June 30, 2021, and conducted two public meetings for this and the three other "Group 4a" SIRs on June 10, 2021 and June 29, 2021. The Callyo SIR includes all comments pertaining to this technology received from members of the public (Appendix C) and letters from organizations or commissions (Appendix D). Public comments about this technology included concerns and questions about: specific uses of this technology, including by departments other than HRVU; a desire for more detailed information on specific Callyo applications in use by SPD; the use of this technology in conjunction with other surveillance and record management technology; and the use of GPS location functions of Callyo technology.

### Privacy and Civil Liberties Impact Assessment

The Impact Assessment prepared by the [Community Surveillance Working Group](#) ("Working Group") identified nine "key concerns" about the use of this technology, including: inadequate policies defining the purposes for which SPD uses Callyo; lack of clarity about which specific Callyo technology applications SPD uses; lack of clarity around warrant requirements for use; how data is retained, stored, and shared; and inadequate oversight policies and data on SPD's use of Callyo. Under [Seattle Municipal Code 14.18.020.G](#), the Chief Technology Officer ("CTO") may provide a response addressing concerns raised by the Working Group Impact Assessment. A CTO response was not included in the 2023 SIR package submitted to Council, but was subsequently provided to Council on April 5, 2024, following the initial Committee presentation. Should the Committee wish to request additional quantitative information on Callyo deployment, options for potential amendments are discussed below.

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<sup>2</sup> LE06-01-04 Rev. 1

## **Policy Considerations**

Central Staff has identified the following potential policy considerations. The policy considerations and options described here may inform potential Committee actions, including amendments, to the SIR approval legislation for this technology. The lack of CTO response to Working Group concerns was highlighted as a potential policy consideration in the original version of this memo, but a CTO response was received by Central Staff on April 5, 2024.

1. Callyo deployment information and statistics. SPD has indicated that Callyo products have been in use by the department since 2013. The SIR does not include quantitative deployment data on Callyo. Additional information about the use of Callyo by SPD, including the rate at which specific features of the technology (e.g. identification masking, audio recording, and particularly GPS location) are utilized annually, by which SPD units, and under what authorization circumstances (e.g. warrant, consent or other warrant exception) could help better inform the Council and general public's understanding of this technology.

### Options:

- A. The Committee may wish to request a report from SPD by a date certain, on a one time or recurring basis, on Callyo deployment data, to be provided to Council and Central Staff, without delaying approval of this SIR.
- B. The Committee may wish to defer approval of this SIR, pending receipt of SPD data on Callyo deployment.
- C. Take no action.

## **Committee Action**

Options for Council action are as follows:

1. Pass CB 120753 as transmitted;
2. Request Central Staff to prepare amendments to the Council Bill to address additional concerns or issues; or
3. Take no action.

cc: Benjamin Noble, Director  
Aly Pennucci, Deputy Director