

## 202~~30~~ Surveillance Impact Report Executive Overview

# Forward Looking Infrared Real-Time Video (FLIR)

(KCSO Helicopters)

Seattle Police Department

### SIR Versions:

- 2020 Surveillance Impact Report Executive Overview: Forward Looking Infrared Real-Time Video (FLIR) adopted by Ordinance 126341 on May 24, 2021.
- 2023 Surveillance Impact Report Executive Overview: Forward Looking Infrared Real-Time Video (FLIR)

~~April 13<sup>th</sup>, 2021~~ February 1, 2023



Version ~~2~~<sup>4</sup>

## Overview

**The Operational Policy statements in this document represent the only allowable uses of the equipment and data collected by this technology.**

This Executive Overview documents information about the collection, use, sharing, security and access controls for data that is gathered through Seattle Police Department’s use of King County Sheriff’s Office Helicopters featuring Forward Looking Infrared Real-Time Video (FLIR) technology. All information provided here is contained in the body of the full Surveillance Impact Review (SIR) document but is provided in a condensed format for easier access and consideration.

### 1.0 Technology Description

The King County Sheriff’s Air Support Unit is the only full-time rotary-wing law enforcement aviation unit in Washington State. Three separate helicopters, one Bell 206B3 helicopter, one UH-1H “Huey,” and one Bell 407, operate as Guardian One and Guardian Two. The capabilities of these aircraft include: forward looking infrared cameras (FLIR), 30-million candlepower “Night Sun” searchlights, Pro Net and LoJack radio tracking receivers, still and video cameras, and communications equipment for communicating with local, state, and federal law and firefighting agencies on their frequencies.

The Maple Leaf Helicopter Downlink facility houses the receiver, decoder, and IP encoder equipment necessary to allow SPD personnel to view live streamed video from the KCSO helicopters. The Downlink facility does not give SPD the capacity to record the live streamed video. There are no saved recordings. KCSO helicopters do record audio and video of their operations, and SPD may request as evidence copies of those recordings, which SPD stores pursuant to using existing video evidence storage policies, including SPD Policy 7.090 – Photographic Evidence.

The aerial vantage point created by the use of helicopters helps trained law enforcement personnel provide enhanced vision to locate and track the movement of crime suspects and disaster victims. The forward looking infrared (FLIR) camera technology housed within the Guardian One and Guardian Two helicopters provides a further enhanced picture of incident scenes by layering heat signatures of individuals and objects on top of the aerial video. The FLIR technology allows for subjects to be detected even when obscured by clouds, haze, or darkness.

Aerial video and infrared technology are tools that may be perceived as invasive to an individual’s privacy, as they may be recorded without their knowledge or consent. SPD policy mitigates against the potential for inappropriate use. [SPD Policy 6.060 - Collection of Information for Law Enforcement Purposes](#) defines the way information will be gathered and recorded in a manner that does not unreasonably infringe upon: individual rights, liberties, and freedoms guaranteed by the Constitution of the United States and the State of Washington, including freedom of speech, press, association, and assembly; liberty of conscience; the exercise of religion.



## 2.0 Purpose

**Operational Policy:** The KCSO Helicopters and onboard FLIR technology respond only to SPD ~~emergency~~ events in which the KCSA Air Unit deems air support is beneficial. SPD only receives and accesses information from the KCSO helicopters that is relevant to the incidents to which Guardian One or Guardian Two have responded. The video is requested as evidence from King County and stored using existing video evidence storage policies including [SPD Policy 7.090 – Photographic Evidence](#).

[SPD Policy 16.060 - King County Sheriff's Office Air Support Unit](#) governs the procedures and protocols associated with assistance of the KCSO ASU

The Guardian One and Guardian Two helicopters provide critical assistance to SPD units on the ground during incidents. The benefits include rapid response to crime or disaster scenes and give law enforcement personnel an enhanced bird's eye view of the situation. "At normal patrol speeds and altitudes, a helicopter can keep an object in view on the ground ten times longer than a ground officer moving at normal street patrol speeds."<sup>1</sup> While conventional night vision technology does augment the user's ability to locate subjects by enhancing visible light, FLIR systems are more effective because they provide images using the heat emitted by subjects and objects.

## 3.0 Data Collection and Use

**Operational Policy:** Recordings made by Guardian helicopters associated with SPD calls for service ~~are regularly~~ [may be](#) requested as video evidence from the King County Sheriff's Office, including FLIR video is needed for evidentiary or investigative purposes. These recordings are provided by the KCSO ~~on evidence-grade DVD, USB drive, external hard drive or other physical media.~~ [on high quality evidence-grade DVD, as digital files consistent with SPD Policy 7.010](#) which governs the submission of evidence and requires that all collected evidence be documented in a GO Report. Per [SPD Policy 7.090 – Photographic Evidence](#), all video evidence not produced by SPD employees is submitted to the SPD Evidence Unit.

~~The only information relayed to SPD during the Unit operation is radio transmission from the Air Support Unit. Though the KCSO helicopters have a real-time microwave video downlink capable of transmitting video of ongoing events to units on the ground, SPD does not utilize this function.~~ Recordings made by Guardian helicopters associated with SPD calls for service ~~are regularly~~ [may be](#) requested as video evidence from the King County Sheriff's Office, including FLIR video ~~ifs~~ needed for evidentiary or investigative purposes. These recordings are provided by the KCSO ~~on evidence-grade DVD, USB drive, external hard drive or other physical media.~~ ~~on high quality evidence-grade DVD.~~ [SPD Policy 7.010](#) governs the submission of evidence and requires that all collected evidence be documented in a GO Report. Per [SPD Policy 7.090 – Photographic Evidence](#), all video evidence not produced by SPD employees is submitted to the SPD Evidence Unit. The SPD Evidence Unit stores the video in the Digital Evidence Management System (DEMS). The King County Sheriff's Office Air Support Unit does record audio and video of their operations and occasionally does release these recordings to the public, including video posted on their [YouTube channel](#).

## 4.0 Data Minimization & Retention

**Operational Policy:** SPD ~~only~~ receives and accesses information from the KCSO helicopters that is relevant to the incidents to which Guardian One or Guardian Two have responded. The video is requested as evidence from King County and stored using existing video evidence storage policies including [SPD Policy 7.090 – Photographic Evidence](#).

The Maple Leaf Downlink equipment is static and acts as a passthrough allowing SPD personnel to view the live feed of visual information. No data or images from the video downlink are recorded or stored by SPD.

The KCSO Helicopters and onboard FLIR technology respond only to SPD emergency events in which air support is beneficial. SPD ~~only~~ receives and accesses information from the KCSO helicopters that is relevant to the incidents to which Guardian One or Guardian Two have responded. The video is requested as evidence from King County and stored using existing video evidence storage policies including [SPD Policy 7.090 – Photographic Evidence](#).

## 5.0 Access & Security

**Operational Policy:** SPD are consumers of the information provided by the KCSO Air Unit, ~~and do not maintain the systems used to access this information.~~

The Guardian One and Guardian Two helicopters and onboard FLIR cameras are operated by the King County Sheriff's Air Unit. When Guardian One is operational, the unit monitors SPD radio and advises SPD Communications when they are available to assist during active calls for service. SPD officers may also request air support assistance directly to Guardian One or through SPD Communications.

Recordings are provided by the KCSO on evidence-grade DVD, USB drive, external hard drive or other physical media. ~~on high-quality evidence-grade DVD.~~ [SPD Policy 7.010](#) governs the submission of evidence and requires that all collected evidence be documented in a GO Report. Per [SPD Policy 7.090 – Photographic Evidence](#), all video evidence not produced by SPD employees is submitted to the SPD Evidence Unit. The SPD Evidence Unit stores the video in ~~the Digital Evidence Management System (DEMS)~~ SPD's Evidence Management System.

### Access

The helicopter and FLIR technology are not directly operated by SPD personnel.

SPD are consumers of the information provided by the KCSO Air Unit ~~and do not maintain the systems used to access this information.~~ The Maple Leaf Downlink site allows SPD to view the video from the KCSO helicopters in real-time only. SPD does not record or save any video or images provided by this downlink.

Per [SPD Policy 16.060 - King County Sheriff's Office Air Support Unit](#), when Guardian One is operational, the unit monitors SPD radio and advises SPD Communications when they are available to assist during active calls for service.

SPD officers may also request air support assistance directly to Guardian One or through SPD Communications. “If Guardian One is off-duty, but their assistance is required for a police operation, a sergeant will screen the request and coordinate with Communications.” If they respond to an SPD call, Guardian One and Guardian Two are documented as responding resources in the CAD event by SPD Communications.

## Security

Recordings made by Guardian helicopters associated with SPD calls for service are requested as video evidence from the King County Sheriff’s Office, including FLIR video is needed for evidentiary or investigative purposes related to the investigation of a crime or missing person. These recordings are provided by the KCSO [on evidence-grade DVD, USB drive, external hard drive or other physical media.](#) ~~on high-quality evidence-grade DVD.~~ [SPD Policy 7.010](#) governs the submission of evidence and requires that all collected evidence be documented in a GO Report. Per [SPD Policy 7.090 – Photographic Evidence](#), all video evidence not produced by SPD employees is submitted to the SPD Evidence Unit. The SPD Evidence Unit stores the video in the Digital Evidence Management System (DEMS).

SPD policy contains multiple provisions to avoid improperly collecting data. [SPD Policy 7.010](#) governs the submission of evidence and requires that all collected evidence be documented in a GO Report. Per [SPD Policy 7.090 – Photographic Evidence](#), all video evidence not produced by SPD employees is submitted to the SPD Evidence Unit. The SPD Evidence Unit stores the video in the CJIS certified Digital Evidence Management System (DEMS).

## 6.0 Data Sharing and Accuracy

**Operational Policy:** [Video may be shared with outside entities in connection with criminal prosecutions and pursuant to the Washington Public Records Act.](#) ~~No person, outside of SPD has direct access to the video information provided to SPD by the King County Air Unit once it has been received by SPD.~~

Video may be shared with outside entities in connection with criminal prosecutions:

- Seattle City Attorney’s Office
- King County Prosecuting Attorney’s Office
- King County Department of Public Defense
- Private Defense Attorneys
- Seattle Municipal Court
- King County Superior Court
- Similar entities where prosecution is in Federal or other State jurisdictions

Video may be made available to requesters pursuant to the Washington Public Records Act, [Chapter 42.56 RCW](#) (“PRA”). SPD will apply applicable exemptions to the data before disclosing

to a requester. Individuals have the right to inspect criminal history record information maintained by the department ([RCW 10.97.030](#), [SPD Policy 12.050](#)). Individuals can access their own information by submitting a public disclosure request.

Sharing of video information may be necessary for prosecution or to comply with requests pursuant to public records requests.



## 7.0 Equity Concerns

**Operational Policy:** [SPD Policy 5.140](#) forbids bias-based policing and outlines processes for reporting and documenting any suspected bias-based behavior, as well as accountability measures.

**Per [SPD Policy 16.060 - King County Sheriff's Office Air Support Unit](#), determining events in which aerial support would be beneficial is based on the particular event situation and the availability of the King County Air Support Unit.**

Inherent in video obtained from an aerial platform such as Guardian One and Guardian Two with FLIR camera systems is the risk that private information may be obtained about 3rd parties. While the FLIR camera system can detect and record heat sources inside some structures, it is not able to peer inside homes or other buildings. Though the high definition color cameras mounted on the KCSO helicopters is able to discern individual characteristics, the FLIR camera system video does not capture even the most generic of identifiable individual characteristics such as race, age, or gender.

The mission of the Seattle Police Department is to prevent crime, enforce the law, and support quality public safety by delivering respectful, professional and dependable police services. A potential civil liberties concern is that the SPD would over-surveil vulnerable or historically targeted communities, deploying Guardian One to diverse neighborhoods more often than to other areas of the City. [SPD Policy 5.140](#) forbids bias-based policing and outlines processes for reporting and documenting any suspected bias-based behavior, as well as accountability measures. Determining events in which aerial support would be beneficial is based on the particular event situation and the availability of the King County Air Support Unit.

The Aspen Institute on Community Change defines structural racism as “...public policies, institutional practices, cultural representations and other norms [which] work in various, often reinforcing ways to perpetuate racial group inequity.” Data sharing has the potential to be a contributing factor to structural racism and thus creating a disparate impact on historically targeted communities. In an effort to mitigate this possibility, SPD has established policies regarding the dissemination of data in connection with criminal prosecutions, Washington Public Records Act ([Chapter 42.56 RCW](#)), and other authorized researchers.

Further, [SPD Policy 5.140](#) forbids bias-based policing and outlines processes for reporting and documenting any suspected bias-based behavior, as well as accountability measures.

Information collected by Guardian One and Guardian Two cameras, including the FLIR camera system, is shared only with outside entities in connection with criminal prosecutions or in compliance with public records requests pursuant to the Washington Public Records Act, [Chapter 42.56 RCW](#) (“PRA”). SPD will apply applicable exemptions to the data before disclosing to a requester.

Like decisions around data sharing, data storage and retention have similar potential for disparate impact on historically targeted communities. [SPD Policy 5.140](#) forbids bias-based policing and outlines processes for reporting and documenting any suspected bias-based behavior, as well as accountability measures.