

September 16, 2024

MEMORANDUM

To: Public Safety Committee
From: Tamaso Johnson, Analyst
Subject: The City of Seattle Technology Assisted Crime Prevention Pilot: Council Bill 120844 – Seattle Police Department Closed-Circuit Television Camera Systems & Council Bill 120845 – Seattle Police Department Real-Time Crime Center

On September 19, 2024, the Public Safety Committee will discuss [Council Bill \(CB\) 120844](#) and [CB 120845](#). The proposed bills are intended to meet the requirements of [Seattle Municipal Code Chapter 14.18](#), Acquisition and Use of Surveillance Technologies (the Surveillance Ordinance).¹ CB 120844 would approve the Seattle Police Department's (SPD's) use of Closed-Circuit Television Camera Systems (CCTV) and CB 120845 would approve SPD's use of Real-Time Crime Center (RTCC) software, and each bill would accept the Surveillance Impact Reports (SIRs) and the Executive Overviews for these respective technologies. The SIRs and Executive Overviews are policy documents which constitute SPD's allowable uses of these technologies.

This memo describes these technologies, collectively referred to by the Executive as the Technology Assisted Crime Prevention Pilot, their intended uses by SPD including relevant policy and procedures, summarizes potential civil liberties impacts and disparate impacts on historically targeted communities and vulnerable populations, outlines the public engagement process on these technologies, and describes selected policy considerations. Though presented as separate pieces of legislation, the underlying technologies and policy considerations will be discussed together in some sections of this memo due to the integrated nature of elements of the Crime Prevention Pilot proposal.

Real-Time Crime Center Software

Overview and Use of RTCC

RTCC software functions as a single integrated access platform to view and analyze various sources of existing and proposed SPD data such as video and audio feeds, officer dispatch information and location, 911 calls, and police records. Automated gunfire detection technology was originally discussed as a proposed element of SPD's Crime Prevention Pilot to be utilized with RTCC software, but the Executive subsequently declined to pursue this technology and no SIR approval ordinance for this technology has been transmitted to the Council. Available law enforcement generated data is combined with other information sources such as maps in RTCC to allow for real-time analysis and coordination of police response via a cloud-based software platform maintained by a third-party vendor. RTCC systems may also provide analytic functionality including 'artificial intelligence' (AI) algorithmic tools which can be applied to video and other data to recognize objects, specific persons, or vehicles. The RTCC SIR

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

states that SPD will not utilize facial recognition tools and that any use of algorithmic analysis within RTCC will comply with City of Seattle Artificial Intelligence policies.²

In addition to law enforcement and publicly available data sources, some RTCC software allows for the integration of video feeds from other government (schools, traffic cameras) and/or private (business, residential surveillance cameras) sources. The RTCC SIR states that SPD's use of video from private cameras would be a voluntary process at the discretion of individual camera owners who could either choose to share live video under specific conditions (requiring the installation of on-site hardware) or instead opt-in to register the existence of a private camera to enable more efficient requests for potentially relevant investigative footage near a known incident. The Executive has stated that SPD does not plan to pursue a proactive campaign to encourage recruitment of private cameras, nor seek to integrate private residential camera video, but rather intends to utilize the registration function to create process efficiencies in existing investigative operations when surveillance footage from private businesses may be relevant to an investigation. Other various potential RTCC features vary by vendor, but may include: public-facing interactivity such as real-time public information dissemination and multimedia 'tip line' for the public to submit video and audio evidence; opt-in video calling and GPS location features for 911 callers on cell phones; officer access to recorded 911 call audio; and various mapping features. SPD states that RTCC software will utilize a 30-day retention period for video and other data, unless such data is identified to be part of a criminal investigation.

Civil Liberties and Potential Disparate Impacts

See combined analysis in CCTV section of this memo.

Public Engagement

See combined analysis in CCTV section of this memo.

Closed-Circuit Television Camera Systems

Overview of CCTV

CCTV systems are fixed location video cameras designed to capture live and recorded visual surveillance data of specific areas. Some CCTV units, such as those intended for procurement by SPD, are capable of advanced video capture features including zoom, 360 degree pan and tilt, and low-light and infrared recording. When combined with software such as RTCC, CCTV units can be enabled with algorithmic visual analysis capability to automatically detect specific object, people, and vehicles.

² See: City of Seattle Responsible Artificial Intelligence Program: <https://www.seattle.gov/tech/data-privacy/the-citys-responsible-use-of-artificial-intelligence>.

Purpose and Use of CCTV

SPD intends to deploy CCTV units in several specific areas of the city during this pilot project. The cameras will only capture public spaces in the proposed pilot locations: North Aurora Avenue, Belltown, Chinatown/International District, and the downtown commercial core.³ SPD CCTV is intended to deter and more effectively respond to violent crime, including gun violence, in the selected pilot sites. CCTV pilot surveillance zones have been selected based on concentrated violent and felony crime activity identified in these geographic areas of the city. CCTV sites will feature posted signage providing notice to members of the general public that the area is under SPD surveillance. The CCTV pilot will involve an evaluation component to measure efficacy, identify trends in criminal activity in the surveilled areas, and monitor other impacts of the pilot. SPD will conduct the evaluation in collaboration with the Office of Inspector General (OIG) and outside researchers. The pilot will produce an initial evaluation report after one year of implementation, and a final report at the end of year two. The results of the evaluation will determine whether SPD pursues continuation of CCTV beyond the pilot phase, and potential expansion sites for additional cameras. SPD will retain CCTV footage for 30 days before deleting it, unless the footage becomes part of a criminal investigation.⁴

Civil Liberties and Potential Disparate Impacts

The Racial Equity Toolkit (RET) included in the SIRs describes potential impacts on civil liberties related to RTCC and CCTV deployment anticipated by SPD including: heightened privacy concerns from additional surveillance; misuse of surveillance data; a lack of transparency regarding use of the data; and, loss of personal autonomy for persons within the surveilled areas. SPD's plan to mitigate these potential impacts includes, in part, the following: limiting use of CCTV to address gun violence, human trafficking, and other persistent crimes; limiting data access to essential SPD personnel; transparency measures to provide information to the general public on the deployment and use of CCTV; and, providing OIG access to the technologies to conduct compliance monitoring.

A second RET, completed by the Seattle Office for Civil Rights (OCR), identified additional concerns with RTCC and CCTV, including, in part: sufficiency of outreach to communities near pilot CCTV sites; efficacy of these technologies to achieve stated goals; demographics of pilot sites exacerbating racial disparities in policing; lack of clarity on the scope of crimes CCTV will be used to enforce; and, concerns regarding use of predictive analytic tools. The OCR RET includes a number of specific recommendations designed to address these concerns, including,

³ Maps of the proposed CCTV pilot locations can be found on page 25 of the CCTV SIR.

⁴ The SIR indicates that this retention period is determined by the State Records Retention Schedule promulgated by the Secretary of State (SoS). Generally speaking, local governments are obligated under Washington State Law to follow applicable SoS retention schedules to the extent they exist for specific types of government records. Deviation from the SoS record retention schedules is only allowed if a local government files for an exemption and that request is approved by the Local Records Committee of the SoS. See: Washington Secretary of State, Local Government Common Records Retention Schedule (CORE), Disposition Authority Number GS50-06B-18 Rev. 1. Available at: [https://www2.sos.wa.gov/assets/archives/recordsmanagement/local-government-common-records-retention-schedule-core-v.4.2-\(august-2021\).pdf](https://www2.sos.wa.gov/assets/archives/recordsmanagement/local-government-common-records-retention-schedule-core-v.4.2-(august-2021).pdf) (pg. 89).

in part: additional outreach to impacted communities; additional investment in other violence prevention strategies; limiting CCTV use to serious violent offenses; limitations on allowing private cameras to be integrated with RTCC; and, reducing retention time of CCTV data and implementing on-site storage of data in City of Seattle servers.⁵

Public Engagement

The Executive accepted public comments on the Crime Prevention Pilot, including RTCC and CCTV, in Spring 2024. Appendices D through G of the SIRs for both technologies include responses collected during the public comment period to questions describing concerns and potential benefits of RTCC software and CCTV, as well as comment letters from individuals and organizations. Concerns expressed via public comment included:

- general concerns about increasing surveillance;
- potential disparate impacts of CCTV increasing surveillance on historically marginalized communities due to demographics of camera pilot sites;
- concerns about the rigor and adequacy of the public engagement process related to the pilot, including the siting of proposed CCTV deployments;
- questions about the efficacy of CCTV in producing meaningful crime reduction impacts;
- concerns about the use of artificial intelligence analysis tools;
- risks associated with government use and sharing of CCTV footage in connection with immigration enforcement actions or reproductive health access restrictions;
- potential chilling effects on protected free speech and expression due to increased surveillance;
- questions about the duration of the pilot and specifics of the evaluation components;
- and, harms associated with private and commercial actors access to CCTV data.

Some public comments also highlighted potential benefits to RTCC and CCTV, including: improving police response in the proposed pilot areas; reduction and/or deterrence of violent crimes; improving investigation and prosecution of crimes; and addressing increases in gun violence in areas of the city.

⁵ More information on the OCR RET can be found in the Fiscal Impact section of this memo. The OCR RET is included as an appendix to the SIRs.

CB 120844 & CB 120845

Effect of legislation

Taken together, passage of these bills would authorize SPD's implementation of the Executive's Technology Assisted Crime Prevention Pilot. CB 120844 would approve and accept the SIR and Executive Overview for RTCC software. CB 120845 would approve and accept the SIR and Executive Overview for SPD CCTV technology. SPD has stated that implementation of CCTV cameras is dependent on approval and acquisition of RTCC software. While both technologies are described in various places throughout the SIRs and ordinances as "pilots," neither ordinance or SIR offer clear guidance on a termination or expected end date of the pilot. CB 120844 would authorize SPD's continuous ongoing use of RTCC software. It is unclear whether passage of CB 120845, as transmitted, would place any definite end date on SPD's use of CCTV technology. However, SPD has stated that upon conclusion of the pilot, which does not have a fixed duration, they will return to Council for additional authorization if there is a proposal to expand the scope of CCTV deployments and/or make use of this technology permanent.

Fiscal Impact

The Summary and Fiscal Notes for the bills describe \$1.5 million approved in the 2024 budget for the Crime Prevention Pilot. SPD states that both technologies may have additional associated personnel and other costs which are unknown at this phase of the planning process but will be known following SIR approval as implementation occurs. Of the \$1.5 million included in the adopted 2024 budget for this project, \$1.1 million was originally allocated to the RTCC and \$400,000 was allocated for an Acoustic Gunshot Location System (AGLS), respectively. Following the adoption of the 2024 budget, and prior to the transmittal of these bills, the Executive declined to pursue AGLS, and intends to use the full \$1.5 million to fund the combination of RTCC and CCTV. The 2024 adopted budget includes a proviso (2024 CBA SPD-900-A-2) on this \$1.5 million, requesting that, in part, "the Executive, the Office for Civil Rights (OCR) and the Inspector General for Public Safety (OIG) co-prepare a Racial Equity Toolkit (RET) analysis for the Surveillance Impact Report (SIR) for each location that will be submitted to the Council for approval of these technologies [...]." CB 120844 lifts this proviso, stating that "the conditions set forth in the proviso have been satisfied and they are no longer restrictions for any purpose." The Executive completed a RET for these technologies, with OIG input, which is included in both SIRs. Separately, OCR completed another RET on these technologies, which was transmitted to Council and the Executive on May 22, 2024 and is included as an attachment to the SIRs. OCR's RET memo notes that, "[d]espite the best efforts of all parties, we were unable to reach a consensus of the substance and process of the RETs."

Policy Considerations

Selected policy considerations relevant to RTCC and CCTV are discussed below in brief as well as potential Council options for action.

Pilot Parameters and Timeline

As discussed above, these bills would effectively approve the use of RTCC software and CCTV technology without a specific end date. The RTCC SIR describes a continuous deployment, which would permanently approve this technology for SPD use. The CCTV SIR references evaluation components in year one and year two, and states that approval is for the duration of the pilot, but does not specify that time period.

If Council is interested in additional proactive oversight of the duration of this pilot, it may choose to pursue one or more of the following:

- 1. Amend one or both of the bills to include specific sunset dates on the authorization of RTCC software and/or CCTV;*
- 2. Amend one or both bills to include findings or recitals describing the intended duration of the pilot use of these technologies; or,*
- 3. Amend one or both bills to request additional reporting from SPD to provide information on the intended or expected duration of the pilot project once implementation has begun.*

Integration of Private Cameras

While footage from SPD-owned cameras (primarily body worn, in-car, and CCTV) constitutes a discrete universe of video surveillance data, the integration of private cameras in an RTCC system has the possibility to significantly expand the scope of SPD video surveillance across the city in a way that is not possible to fully predict or analyze at this time. SPD has made assurances about their intent to utilize private cameras covering only publicly accessible areas in a limited manner as part of RTCC deployment, however the current SIR contains minimal guidelines on this topic. The SIR states that “SPD is developing an omnibus surveillance technology policy” that may address the use of private and non-SPD camera footage in more detail, however no information has been provided about the timeline of policy development or the potential involvement of the Council or general public in this process.

If Council is interested in additional proactive oversight of the use of non-SPD cameras in this pilot, it may choose to pursue one or more of the following:

- 1. Request SPD to resubmit a revised version of the RTCC SIR documents including more specific descriptions, policy guidance, and/or restrictions on the use of non-SPD video cameras and footage;*
- 2. Amend CB 120844 to request that SPD develop and provide to Council, by a specific date, additional policy guidance on the use of non-SPD cameras and footage; or*
- 3. Amend CB 120844 to request that issues related to the use of non-SPD cameras and footage is specifically evaluated as an element of the planned pilot evaluation.*

Data Disclosure Risks

Public comment, as well as the RET performed by OCR, expressed concerns related to the risks to vulnerable groups if CCTV footage and data is obtained by non-SPD actors. The primary groups identified as potentially harmed by CCTV data disclosure are undocumented immigrants and individuals travelling to Seattle from other states to access reproductive healthcare. Commenters expressed concern that federal immigration enforcement may attempt to obtain CCTV data to aid in deportation or other immigration enforcement efforts, and that prosecutors or other government officials in states where abortion and other reproductive healthcare is criminalized may attempt to access the data for those purposes. While relevant Washington State law and City of Seattle policies generally prohibit SPD or other branches of local government from sharing information for immigration enforcement or to limit access to reproductive healthcare, commentators expressed concerns that sensitive CCTV data could be accessed via attempts at compelled disclosure (e.g. subpoenas or court orders) directly from the vendor storing CCTV footage in a cloud-based implementation of RTCC and/or CCTV.

If Council is interested in attempting to add additional safeguards against the possibility of compelled data disclosure by the technology vendor, it may choose to pursue one or more of the following:

- 1. Amend one or both bills to request that SPD include specific terms in any vendor contracts for RTCC and/or CCTV that require additional protections against compelled disclosure and notification of the City in the event of any such request to the vendor; or,*
- 2. Request that SPD assess and report on the feasibility of an RTCC and/or CCTV implementation that stores data in City of Seattle servers.⁶*

Potential Committee Actions

The SIR approval process, as outline in the Surveillance Ordinance, contemplates Council approval or disapproval of SIR and SIR Executive Overview documents as transmitted by the Executive in a manner analogous to Council action on city contracts.

Options for Council action are as follows:

1. Pass CB 120844 and/or CB 120845 as introduced;
2. Request that Central Staff prepare amendments to address policy considerations which may be properly addressed in one or both of the SIR approval ordinances;
3. Request that SPD revise and resubmit one or both of the SIRs to address policy considerations that are properly addressed through substantive changes to policies or technologies within the SIRs, which may be substituted in revised form via Council amendment to one or more of the ordinances; or,
4. Take no action.

⁶ During the SIR approval process for Automated License Plate Recognition (ALPR), SPD indicated that in-house data storage was not feasible for that technology.

Next Steps

The Public Safety Committee will hold a second hearing and possible vote on both CB 120844 and CB 120845 on September 24, 2024.

cc: Ben Noble, Director
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