

Council Committee Briefing: Surveillance Ordinance Update

March 20, 2018



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Seattle
Information Technology

Agenda

- Ordinance Overview
- Master List Summary
- Surveillance Advisory Work Group Recommendations
- SIR Groups and Timing
- Public Engagement
- Website Update

Surveillance Ordinance (ORD 125376)

- The Surveillance Ordinance took effect September 1, 2017.
- Accountability - Created a new, updated Chapter 14.18 that requires Council approval of acquisition of new surveillance technologies.
- Assurances - Created requirements for submissions to Council including data management protocols and community engagement.
- Transparency – Created auditing and reporting requirements.
- Comprehensiveness – Directed a schedule and process for Council approval of already-acquired existing surveillance technologies.
- Community expertise - Called for the Executive to convene an advisory working group to recommend how to utilize community expertise to advise the Council in its policy decision-making.

Surveillance Technology (SMC Chapter 14.18)

- Definition: "Surveillance" or "surveil" means to **observe or analyze the movements, behavior, or actions of identifiable individuals** in a manner that is **reasonably likely to raise concerns about civil liberties, freedom of speech or association, racial equity or social justice**. Identifiable individuals also include individuals whose identity can be revealed by license plate data when combined with any other record.
- Exclusions: Notice and consent
- Exemptions: Certain specific technologies

Surveillance Impact Reports

Requests for Council approval must include the following information:

- In-depth review of data privacy implications
- Financial review
- Equity and community impact
- List of subject matter experts
- At least one community meeting with comments collected from that meeting

Surveillance Review Process – New Technologies

- Department desiring to acquire new technology submits a determination form to ITD Privacy Program
- ITD determines which are surveillance
 - ITD submits a quarterly list of every tech that was considered to Council (first was submitted 12/31/17)
- Department drafts SIR, which is posted to website
- Community engagement is held
- Executive submits final SIR draft to Council requesting approval
- Council can request more community engagement or SIR modifications

Surveillance Review Process – Existing Technologies

- For each currently used technology that meets the criteria for surveillance, a City department must prepare a Surveillance Impact Report (“SIR”)
- The Master List of existing technologies and review order was submitted November 30, 2017
- Due dates – Submission of SIRs starting March 30, 2018 then one per department per month in Master List order

Master List

28 retroactive technologies:

Department	Number of Technologies
Seattle City Light	3
Seattle Department of Transportation	3
Seattle Fire Department	3
Seattle Police Department	19
Total	28

SIR Master List

Department	Technology
SCL	Binoculars/Spotting Scope
	SensorLink Amp Fork
	Check Meter Device
SDOT	License Plate Readers
	Closed Circuit Television Equipment
	Acyclica
SFD	Emergency Scene Cameras
	Hazmat Camera
	Computer-Aided Dispatch

Department	Technology
SPD	Automated License Plate Recognition (ALPR)
	Booking Photo Comparison Software (BPCS)
	Forward Looking Infrared Real-time video (FLIR)
	Undercover/ Technologies
	Computer-Aided Dispatch (CAD)
	CopLogic
	Hostage Negotiation Throw Phone
	Remotely Operated Vehicles (ROVs)
	911 Logging Recorder
	Computer, cellphone and mobile device extraction tools
	Video Recording Systems
	Washington State Patrol (WSP) Aircraft
	Washington State Patrol (WSP) Drones
	Callyo
	I2 iBase
	Parking Enforcement Systems
	Situational Awareness Cameras Without Recording
	Crash Data Retrieval
	Maltego

Surveillance Advisory Working Group Recommendations

Participants*

Individual	Department	Area of Expertise
Joaquin Uy	Office of Immigrant and Refugee Affairs	Refugee and immigration engagement
Marta Idowu	Office of Civil Rights	Civil rights and community engagement
Ryan Biava	City of Seattle Mayor's Office	Policy and innovation
Lois Maag	Department of Neighborhoods	Public information and engagement
Ginger Armbruster	Seattle Information Technology Department	Privacy
Kate Garman	Seattle Information Technology Department	Smart Cities technology
Torgie Madison	City of Seattle Community Technology Advisory Board (CTAB)	Community and technology
Susan Hintze	Private Privacy Law Practice	Privacy law

Recommendations

Due to the number and diversity of technologies, instead of a standing advisory body Working Group recommended:

- Engaging community members in advance of SIR submission:
 - Privacy Impact Assessment (PIA)
 - Racial Equity Toolkit (RET)
 - List of experts
 - Community Engagement

* An ACLU representative attended one of these meetings

Website Update

<http://www.seattle.gov/tech/initiatives/privacy>

Look-up a Surveillance Technology

Lookup a Surveillance Technology
Booking Photo Comparison Software (BPCS)

Booking Photo Comparison Software (BPCS) Title: 911 Logging Recorder

Description
BPCS is used in situations where a picture of a suspected criminal, such as a burglar or convenience store robber, is taken by a camera. The still screenshot is entered into BPCS, which runs an algorithm to compare it to King County Jail booking photos to

Department: SPD

Estimated quarter for submission to Council:

Available?	Surveillance Impact Report Documents
X	Initial SIR Draft
X	Public Meeting Notice
X	Complete SIR Document
X	Council Decision

SIR Review Stages

Initial Draft Not Yet Available	Open Comment Period Not Yet Scheduled	Surveillance Impact Report Complete Not Yet Available	Council Decision Not Yet Available
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Current Review Process Stage:
Upcoming for Review

Master List of Surveillance Technologies

Submitted to Seattle City Council on 11/30/2017, the [Master List of Surveillance Technologies](#) provided an overview of all technologies in current use at the City that meet the ordinance definition of surveillance. Note that the order of review may have been updated since this publication.