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AMENDMENT 2A TO CB 118930

CM Burgess / CM González

This amendment would make the following changes:

CTO Quarterly List

- The CTO quarterly list to Council includes all surveillance technology determinations made via an Executive process, including both those determined to be surveillance technology and those determined not to be.

- The CTO quarterly list to Council will include information for the previous 12 months. If the Council changes the designation of technology on the list, the action is filed with the Clerk and the quarterly list is updated.

Retrospective approval of technologies

- The order in which SIR requests for existing technologies will be brought to the Council shall be identified by the Executive with Council ability to revise, instead of in order from highest privacy impact to least.

- The deadline for first SIR submittals is by the end of the first quarter in 2018, instead of 30 days after submittal of Executive’s list of existing technologies.

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 118930

..title

AN ORDINANCE relating to The City of Seattle’s acquisition and use of surveillance technologies; repealing Chapter 14.18 of the Seattle Municipal Code (SMC), consisting of Sections 14.18.10, 14.18.20, 14.18.30, and 14.18.40 SMC; and adding a new Chapter 14.18 to the SMC, consisting of Sections 14.18.010, 14.18.020, 14.18.030, 14.18.040, 14.18.050, 14.18.060, 14.18.070, 14.18.080, and 14.18.090.

..body

WHEREAS, in 2013, the Council via Ordinance 124142 created a new chapter in the Seattle Municipal Code, Chapter 14.18, to govern the acquisition and use of surveillance equipment, arising out of concerns about privacy and lack of process for The City of Seattle’s (City’s) acquisition of surveillance technologies such as drones and the installation of video cameras along Seattle’s waterfront and downtown; and

1 WHEREAS, Chapter 14.18, by being limited to equipment, is inadequate to address new and
2 ever-evolving surveillance technologies and build public trust in government use of those
3 technologies, as was highlighted by public concern in 2016 over the Seattle Police
4 Department's acquisition of the social media monitoring tools Geofeedia and Babel
5 Street; and

6 WHEREAS, Seattle residents can significantly benefit from carefully considered deployments of
7 surveillance technologies that support its responsibility to provide public safety and other
8 services to the public, but such technologies can also create risks to civil liberties related
9 to privacy, freedom of speech or association, or disparate impact on groups through over-
10 surveillance; and

11 WHEREAS, a publicly transparent and accountable process for the procurement and operation of
12 surveillance technology is fundamental to minimizing the risks posed by such
13 technologies; and

14 WHEREAS, the City also recognizes the importance of transparent and accountable processes
15 for the City's use of surveillance data, and views the institution of good management
16 practices for the City's acquisition and use of surveillance technology as an important
17 first step in understanding and responsibly addressing the ways that the City's use of
18 surveillance technology and surveillance data impact individuals and communities; and

19 WHEREAS, the City should be judicious in its use of surveillance technologies to avoid creating
20 a constant and pervasive surveillance presence in public life; and

21 WHEREAS, protocols proposed by City departments for the use of surveillance technologies
22 should include specific steps to mitigate civil liberties concerns and the risks of
23 information sharing with entities such as the federal government, and should incorporate

1 racial equity principles into such protocols to ensure that surveillance technologies do not
2 perpetuate institutionalized racism or race-based disparities; and

3 WHEREAS, the purpose of revising and updating Chapter 14.18 is to require City departments
4 to obtain Council approval and to establish protocols prior to the acquisition of
5 surveillance technology that raises concerns about privacy or other civil liberties and to
6 be transparent in how surveillance technology and its data are used by the City; NOW,
7 THEREFORE,

8 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

9 Section 1. Chapter 14.18 of the Seattle Municipal Code, enacted by Ordinance 124142, is
10 repealed:

11 ~~((CHAPTER 14.18 ACQUISITION AND USE OF SURVEILLANCE EQUIPMENT~~

12 ~~**14.18.10 Definitions**~~

13 ~~The following definitions apply to this Chapter 14.18~~

14 ~~“Data management protocols” generally means procedures governing how data collected~~
15 ~~by surveillance equipment will be retained, stored, indexed and accessed. Information~~
16 ~~comprising data management protocols includes, at a minimum, the information required in~~
17 ~~Section 14.18.30.~~

18 ~~“Operational protocols” generally means procedures governing how and when~~
19 ~~surveillance equipment may be used and by whom. Information comprising operational protocols~~
20 ~~includes, at a minimum, the information required in Section 14.18.20.~~

21 ~~“Surveillance equipment” means equipment capable of capturing or recording data,~~
22 ~~including images, videos, photographs or audio operated by or at the direction of a City~~
23 ~~department that may deliberately or inadvertently capture activities of individuals on public or~~

1 private property, regardless of whether “masking” or other technology might be used to obscure
2 or prevent the equipment from capturing certain views. “Surveillance equipment” includes
3 drones or unmanned aircraft and any attached equipment used to collect data. “Surveillance
4 equipment” does not include a handheld or body worn device, a camera installed in or on a
5 police vehicle, a camera installed in or on any vehicle or along a public right of way intended to
6 record traffic patterns and/or traffic violations, a camera intended to record activity inside or at
7 the entrances to City buildings for security purposes, or a camera installed to monitor and protect
8 the physical integrity of City infrastructure, such as Seattle Public Utilities reservoirs.

9 **14.18.20 Council Approval for City Department Acquisition and Operations of**
10 **Surveillance Equipment**

11 Any City department intending to acquire surveillance equipment shall obtain City Council
12 approval via ordinance prior to acquisition. Prior to deployment or installation of the surveillance
13 equipment, City departments shall obtain Council approval via ordinance of operational
14 protocols, unless applicable operational protocols were previously approved by ordinance. In
15 requesting approval for acquisition of surveillance equipment, City departments shall include
16 proposed operational protocols containing the following information for the City Council's
17 consideration, along with any other information specifically requested by the City Council:

18 A. A clear statement describing the purpose and use of the proposed surveillance
19 equipment.

20 B. The type of surveillance equipment to be acquired and used.

21 C. The intended specific location of such surveillance equipment if affixed to a
22 building or other structure.

1 D.—— How and when a department proposes to use the surveillance equipment, such as
2 whether the equipment will be operated continuously or used only under specific circumstances,
3 and whether the equipment will be installed permanently or temporarily

4 E.—— A description of the privacy and anonymity rights affected and a mitigation plan
5 describing how the department's use of the equipment will be regulated to protect privacy,
6 anonymity, and limit the risk of potential abuse.

7 F.—— A description of how and when data will be collected and retained and who will
8 have access to any data captured by the surveillance equipment.

9 G.—— The extent to which activity will be monitored in real time as data is being
10 captured and the extent to which monitoring of historically recorded information will occur.

11 H.—— A public outreach plan for each community in which the department intends to
12 use the surveillance equipment that includes opportunity for public meetings, a public comment
13 period, and written agency response to these comments.

14 I.—— If a department is requesting to acquire or use drones or other unmanned aircraft,
15 it shall propose the specific circumstances under which they may be deployed, along with clearly
16 articulated authorization protocols.

17 J.—— If more than one department will have access to the surveillance equipment or the
18 data captured by it, a lead department shall be identified that is responsible for maintaining the
19 equipment and ensuring compliance with all related protocols. If the lead department intends to
20 delegate any related responsibilities to other departments and city personnel, these
21 responsibilities and associated departments and personnel shall be clearly identified.

22 K.—— Whether a department intends to share access to the surveillance equipment or the
23 collected data with any other government entity.

1 L.——A description of the training to be provided to operators or users of the
2 surveillance equipment.

3 ~~Upon review of the information required under this Section 14.18.20, and any other information~~
4 ~~deemed relevant by the City Council, the City Council may approve the acquisition and~~
5 ~~operation of surveillance equipment, approve the acquisition of surveillance equipment and~~
6 ~~require future Council approval for operations, deny the acquisition or use of surveillance~~
7 ~~equipment for the purpose proposed, or take other actions.~~

8 **14.18.30 Data Management Protocols for Surveillance Equipment**

9 ~~Prior to operating surveillance equipment acquired after the effective date of this ordinance, City~~
10 ~~departments shall submit written protocols for managing data collected by surveillance~~
11 ~~equipment to the City Council. The City Council may require that any or all data management~~
12 ~~protocols required under this Section 14.18.30 be approved by ordinance. These data~~
13 ~~management protocols shall address the following:~~

14 A.——~~The time period for which any data collected by surveillance equipment will be~~
15 ~~retained.~~

16 B.——~~The methods for storing recorded information, including how the data is to be~~
17 ~~labeled or indexed. Such methods must allow for the department personnel and the City~~
18 ~~Auditor's Office to readily search and locate specific data that is collected and determine with~~
19 ~~certainty that data was properly deleted, consistent with applicable law.~~

20 C.——~~How the data may be accessed, including who will be responsible for authorizing~~
21 ~~access, who will be allowed to request access, and acceptable reasons for requesting access.~~

1 D. ~~—A viewer’s log or other comparable method to track viewings of any data~~
2 ~~captured or collected by the surveillance equipment, including the date, time, the individuals~~
3 ~~involved, and the reason(s) for viewing the records.~~

4 E. ~~—A description of the individuals who have authority to obtain copies of the records~~
5 ~~and how the existence and location of copies will be tracked.~~

6 F. ~~—A general description of the system that will be used to store the data.~~

7 G. ~~—A description of the unit or individuals responsible for ensuring compliance with~~
8 ~~Section 14.18.30 and when and how compliance audits will be conducted.~~

9 **~~14.18.40 Acquisition and Use of Surveillance Equipment Related to Law Enforcement~~**

10 **~~Investigations~~**

11 ~~Notwithstanding the provisions of this Chapter, City departments may acquire or use~~
12 ~~surveillance equipment that is used on a temporary basis for the purpose of a criminal~~
13 ~~investigation supported by reasonable suspicion, or pursuant to a lawfully issued search warrant,~~
14 ~~or under exigent circumstances as defined in case law. This exemption from the provisions of~~
15 ~~this ordinance does not apply to surveillance cameras mounted on drones or other unmanned~~
16 ~~aircraft.))~~

1 Section 2. A new Chapter 14.18, which includes new Sections 14.18.010, 14.18.020,
2 14.18.030, 14.18.040, 14.18.050, 14.18.060, and 14.18.070, is added to the Seattle Municipal
3 Code as follows:

4 **CHAPTER 14.18 ACQUISITION AND USE OF SURVEILLANCE TECHNOLOGIES**

5 **14.18.010 Definitions**

6 The following definitions apply to this Chapter 14.18:

7 “Acquire” means to obtain, purchase, lease, rent, borrow, create, develop, or accept a
8 grant, state or federal funds, or in-kind or other donations in connection with such purposes,
9 whether pursuant to a services or subscription arrangement or otherwise, or without exchange of
10 consideration, monies, or fees.

11 “City” means The City of Seattle.

12 “CTO” means Chief Technology Officer as defined in Section 3.23.020.

13 “Inspector General for Public Safety” means the Office of Professional Accountability
14 Auditor or its successor.

15 “SPD” means the Seattle Police Department.

16 “Surveillance” or “surveil” means to observe or analyze the movements, behavior, or
17 actions of identifiable individuals in a manner that is reasonably likely to raise concerns about
18 civil liberties, freedom of speech or association, racial equity or social justice. Identifiable
19 individuals also include individuals whose identity can be revealed by license plate data when
20 combined with any other record. It is not surveillance if an individual knowingly and voluntarily
21 consented to provide the information, or had a clear and conspicuous opportunity to opt out of
22 providing the information.

1 “Surveillance capability” means the ability to collect, capture, transmit, or record data
2 that could be used to surveil, regardless of whether the data is obscured, de-identified, or
3 anonymized before or after collection and regardless of whether technology might be used to
4 obscure or prevent the capturing of certain views or types of information.

5 “Surveillance data” means any electronic data collected, captured, recorded, retained,
6 processed, intercepted, or analyzed by surveillance technology acquired by the City or operated
7 at the direction of the City.

8 “Surveillance Impact Report” or “SIR” means the report with content enumerated in
9 subsection 14.18.040.B.

10 “Surveillance technology” means any electronic device, software program, or hosted
11 software solution; that is designed or primarily intended to be used for the purpose of
12 surveillance.

13 **14.18.020 Council approval for acquisition of surveillance technologies**

14 A. Unless exempted from the requirements of this Chapter 14.18 pursuant to Section
15 14.18.030, any City department intending to acquire surveillance technology shall, prior to
16 acquisition, obtain Council ordinance approval of the acquisition and a surveillance impact
17 report for the technology. A City department that directs a non-City entity to acquire or operate
18 surveillance technology on the City’s behalf is bound by the requirements of this Chapter 14.18
19 to the same extent as if the department were acquiring the surveillance technology.

20 B.

21 1. The Executive shall establish a process for determining whether technology is
22 surveillance technology as defined in this Chapter 14.18. The process shall~~The determination for~~
23 ~~a department that an acquisition is surveillance technology as defined in this Chapter 14.18 shall~~

1 ~~be documented in writing, submitted to the CTO, and~~ take into consideration the following
2 factors, including but not limited to (1) potential impacts and uses that may adversely affect
3 disadvantaged groups or communities and (2) the likelihood that individually identifiable
4 information will be shared with non-City entities.

5 2. Each determination that is made pursuant to the process in subsection
6 14.18.020.B.1 shall be documented in writing. If the process determines that technology is not
7 surveillance technology subject to the requirements of this Chapter 14.18, ~~Aa department may~~
8 rely on ~~documented~~that determination submitted to the CTO that its technology acquisition is not
9 surveillance technology governed by this Chapter 14.18, unless the Council designates that the
10 technology is surveillance technology. Any such Council designation shall be filed with the City
11 Clerk ~~otherwise.~~

12 3. The CTO shall by the last day of each quarter submit to Council, ~~by filing with~~
13 the City Clerk and providing an electronic copy to the Chair of the committee responsible for
14 public safety matters and the Director of Central Staff, ~~a surveillance technology determination~~
15 list ~~of that includes~~ all technology ~~from that quarter for which a determination~~that was reviewed
16 under the process established in subsection 14.18.020.B.1, along with supporting information to
17 explain the justification for the disposition of items on the list ~~was made that the technology is~~
18 not surveillance technology as defined in this Chapter 14.18, along with supporting information
19 to explain the justification for the disposition of items on the list. ~~The CTO shall at the same time~~
20 provide an electronic copy of the lists for the previous three quarters to the Chair of the
21 committee responsible for public safety matters and the Director of Central Staff.

22 ~~4A department may rely on documented determination submitted to the CTO that~~
23 ~~its technology acquisition is not surveillance technology governed by this Chapter 14.18, unless~~

1 ~~the Council designates otherwise.~~ The Council may at any time designate that a technology is or
2 is not surveillance technology subject to the requirements of this Chapter 14.18. If the Council
3 changes the designation of a technology on a list required by subsection 14.18.020.B.3, the
4 Council action shall be filed with the City Clerk and the Council shall direct the CTO to file an
5 updated list with the City Clerk.

6 C. ~~The Council may at any time designate that a technology is or is not surveillance~~
7 ~~technology subject to the requirements of this Chapter 14.18.~~

8 D. Prior to requesting Council approval, the department must complete one or more
9 community meetings with opportunity for public comment and written response. The Council
10 may direct the department to conduct additional community engagement before approval, or
11 after approval as a condition of approval. The community meeting or meetings should be
12 accessible, be noticed in multiple languages, be held in communities impacted by the proposed
13 acquisition, and collect information about potential disparate impacts on disadvantaged groups.

14 E. If the CTO, in reviewing information technology resources under the process for
15 mitigating privacy risk under subsection 3.23.030.P, determines that technology for which a
16 department is requesting authorization for acquisition requires Council approval under this
17 Chapter, the CTO shall inform the City department in writing of its obligation to comply with the
18 provisions of this Chapter 14.18 and may provide technical assistance to the department for such
19 compliance purposes.

20 F. The CTO shall post the latest version of all proposed and approved SIRs to the City's
21 website with an indication of its current approval status and, if available, the planned Council
22 date for action. The CTO shall also maintain a list of surveillance technology exempted by the
23 Council and post information to the City's website that allows the public to readily identify every

1 technology that has been exempted, the nature of the technology, and the ordinance numbers of
2 the legislation granting the exemptions.

3 G. Following Council approval of the acquisition and the terms of the SIR, the
4 department may acquire and use the approved surveillance technology only in accordance with
5 the procedures and protocols set forth in the SIR. Any material update to an SIR, such as to
6 change the purpose or manner in which a surveillance technology may be used, shall be by
7 ordinance; non-material updates may be made to the SIR by a department without Council action
8 so long as the change is clearly marked as such in the SIR. For surveillance technology
9 previously approved in accordance with this Chapter 14.18, any material change in surveillance
10 capabilities, such as through technology upgrades, requires an updated SIR. Routine patches,
11 firmware or software updates, and hardware lifecycle replacements that do not materially
12 upgrade surveillance capabilities do not require an updated SIR.

13 **14.18.030 Exemptions and exceptions**

14 A. The following do not constitute surveillance data or surveillance technology, and the
15 requirements of this Chapter 14.18 do not apply to them:

16 1. Information acquired where the individual knowingly and voluntarily consented to
17 provide the information, such as submitting personal information for the receipt of City services;

18 or

19 2. Information acquired where the individual was presented with a clear and conspicuous
20 opportunity to opt out of providing the information.

21 B. The following constitute surveillance technology but the requirements of this Chapter
22 14.18 do not apply to them:

23 1. Body-worn cameras;

1 2. Cameras installed in or on a police vehicle;

2 3. Cameras installed pursuant to state law authorization in or on any vehicle or along a
3 public right-of-way solely to record traffic violations;

4 4. Cameras installed on City property solely for security purposes;

5 5. Cameras installed solely to protect the physical integrity of City infrastructure, such as
6 Seattle Public Utilities reservoirs; and

7 6. Technology that monitors only City employees in the performance of their City
8 functions.

9 C. The following situations are exceptions to the requirements of this Chapter 14.18:

10 1. In the event of an emergency situation that poses an imminent and serious risk of
11 death or substantial bodily harm, a City department may acquire surveillance technology without
12 prior Council approval, for the sole purpose of preventing or mitigating such risk, if the
13 department reasonably believes the acquisition of such surveillance technology will result in
14 reduction of the risk. The department's use of the surveillance technology must end when such
15 risk no longer exists or the use of the surveillance technology can no longer reasonably reduce
16 the risk. The use must be documented in the department's annual surveillance usage report, and
17 any future acquisition or use of such surveillance technology must be approved by the City
18 Council as set forth in this Chapter 14.18.

19 2. A City department may apply a technical patch or upgrade that is necessary to mitigate
20 threats to the City's environment, even if the patch or upgrade materially alters the surveillance
21 capabilities of the technology. The department shall not use the new surveillance capabilities of
22 the technology until the requirements of Section 14.18.020 are met, unless the CTO determines
23 that the use is unavoidable; in that case, the department shall request Council approval as soon as

1 possible. The request shall include a report to Council of how the altered surveillance capabilities
2 were used since the time of the upgrade.

3 D. The provisions of this Chapter 14.18 do not apply to the Seattle Municipal Court or
4 Seattle Public Library.

5 E. To the extent that a provision of this Chapter 14.18, or SIR requirement approved
6 pursuant to this Chapter 14.18, conflicts with a superseding state law or other superseding legal
7 authority, that provision or requirement shall not apply.

8 **14.18.040 Surveillance impact report requirements**

9 A. Any City department requesting Council approval for surveillance technology
10 acquisition under Section 14.18.020.A must include an SIR with the request.

11 B. Each SIR will include clear and understandable statements of the following:

12 1. A description of the surveillance technology to be acquired and a description
13 of the general capabilities, the type of data that the technology is reasonably likely to generate,
14 and functionality, including reasonably foreseeable surveillance capabilities outside the scope of
15 the City department's proposed use.

16 2. A description of the purpose and proposed use of the surveillance technology,
17 including, if available, the intended benefits of the applicable surveillance technology and any
18 data or research demonstrating those benefits.

19 3. A clear use and data management policy, including protocols for the
20 following:

21 a. How and when the surveillance technology will be deployed or used
22 and by whom, including but not limited to: the factors that will be used to determine where,
23 when, and how the technology is deployed; and other relevant information, such as whether the

1 technology will be operated continuously or used only under specific circumstances, whether the
2 technology will be installed permanently or temporarily, and if the technology is a physical
3 object visible to the public, a description of markings that will be used and how they will be
4 placed in order to clearly and visibly identify the responsible department and contact
5 information, or else an explanation of why such markings would render the surveillance
6 ineffective. If the surveillance technology will be operated or used by another entity on the City's
7 behalf, the SIR must explicitly include a description of the other entity's access and any
8 applicable protocols.

9 b. Any additional rules that will govern use of the surveillance technology
10 and what processes will be required prior to each use of the surveillance technology, including
11 but not limited to what legal standard, if any, must be met before the technology is used, such as
12 for the purposes of a criminal investigation supported by reasonable suspicion.

13 c. How surveillance data will be securely stored. Such methods must
14 allow for the department personnel and any entity performing an auditing function that has
15 lawful access to search and locate specific data to determine that data were properly deleted,
16 consistent with applicable law.

17 d. How surveillance data will be retained and deleted, including the
18 retention period; process for regular deletion after the retention period elapses; what auditing
19 procedures will be implemented to ensure data are not improperly retained beyond the retention
20 period; what measures will be taken to minimize the inadvertent or otherwise improper
21 collection of data; and how any surveillance data, if identified as improperly collected, will be
22 expeditiously destroyed. The SIR shall identify a specific departmental unit that is responsible

1 for ensuring compliance with data retention requirements. Retention procedures and policies
2 must be developed in compliance with the requirements of Section 3.122.040.

3 e. How surveillance data will be accessed, including who will be
4 responsible for authorizing access, who will be allowed to request access, and acceptable reasons
5 for requesting access; and what safeguards will be used to protect surveillance data from
6 unauthorized access and to provide an audit trail, such as viewer logging or encryption and
7 access control mechanisms, to the extent such mechanisms exist within the contemplated
8 surveillance technology.

9 f. Whether a department intends to share access to the surveillance
10 technology or the surveillance data from that surveillance technology with any other entity,
11 including any other City department or non-City entity, and if so, with which entity and how
12 such sharing is necessary for the purpose or purposes for which Council approval is requested;
13 and what restrictions, if any, the department will place upon the receiving non-City entity's use
14 of such surveillance technologies. If applicable, the SIR shall include a copy of the department's
15 procedures for ensuring the entity's compliance with this provision.

16 g. How the department will ensure that all personnel who operate
17 surveillance technology or access its surveillance data are knowledgeable about and able to
18 ensure compliance with the use and data management policy prior to use of the surveillance
19 technology or surveillance data from that surveillance technology.

20 4. A description of any community engagement held and any future community
21 engagement plans, including statistics and demographics on attendees, a compilation of all
22 comments received and departmental responses given, and departmental conclusions about
23 potential neighborhood and disparate impacts that may result from the acquisition.

1 5. A description of how the potential impact of the surveillance on civil rights
2 and liberties and potential disparate impacts on communities of color and other marginalized
3 communities have been taken into account; and a mitigation plan.

4 6. A description of the fiscal impact of the surveillance technology, including
5 initial acquisition costs; ongoing operating costs such as maintenance, licensing, personnel, legal
6 compliance, use auditing, data retention, and security costs; any cost savings that would be
7 achieved through the use of the technology; and any current or potential sources of funding,
8 including any subsidies or free products being offered by vendors or governmental entities.

9 C. A City department may share surveillance technology or surveillance data to the extent
10 required by court order, subpoena, or as otherwise required by law, notwithstanding the contents
11 of any approved SIR.

12 D. When providing access to the City’s surveillance technology by contract with a non-
13 City entity, the City shall require that such entity be bound by any restrictions specified in the
14 Surveillance Impact Report pursuant to subsection 14.18.040.B.3.f with regard to such
15 surveillance technology. The City department providing such access shall have written
16 procedures in place for determining how the department will ensure the receiving non-City
17 entity’s compliance with any restrictions identified in the SIR.

18 **14.18.050 Equity impact assessment**

19 A. Every year, by no later than September 15, the Chief Technology Officer shall
20 produce and submit to the City Council a Surveillance Technology Community Equity Impact
21 Assessment and Policy Guidance Report (“equity impact assessment”), to be filed with the City
22 Clerk with an electronic copy to the Council, the Chair of the committee responsible for public

1 safety matters, and the Director of Central Staff. The report shall address, at a minimum, the
2 following:

3 1. Whether this Chapter 14.18 is effectively meeting the goals of the Race and Social
4 Justice Initiative, including whether any communities and groups in the City are
5 disproportionately impacted by the use of surveillance technologies;

6 2. What adjustments to laws and policies should be made to remedy any disproportionate
7 impacts so as to achieve a more equitable outcome in the future; and

8 3. Any new approaches and considerations the City Council should bring to future
9 reviews of requests for Council approval submitted pursuant to Section 14.18.030.

10 B. The Inspector General for Public Safety may prepare an equity impact assessment for
11 a specific technology proposed to be acquired by SPD. The Council may direct the CTO to
12 prepare an equity impact assessment for a specific surveillance technology proposed to be
13 acquired by any other City department.

14 **14.18.060 Annual surveillance usage review**

15 The Inspector General for Public Safety in regard to SPD and the City Auditor in regard
16 to all other departments should conduct an annual review of the City's use of surveillance
17 technology and the extent to which departments are in compliance with the requirements of this
18 Chapter 14.18 and with the terms of approved SIRs, and file the review with the City Clerk. The
19 review should include, but not be limited to, the following:

20 A. How surveillance technology has been used, how frequently, and whether usage
21 patterns are changing over time;

22 B. How often surveillance technology or its data are being shared with other entities,
23 including other governments in particular;

1 C. How well data management protocols are safeguarding individual information;

2 D. How deployment of surveillance technologies impacted or could impact civil liberties
3 or have disproportionate effects on disadvantaged populations, and how those impacts are being
4 mitigated, including, for SPD, an examination of whether deployments are pursuant to warrants
5 or not and how SPD's surveillance technology is used to analyze patterns to predict suspect,
6 individual, or group-affiliation behavior;

7 E. A summary of any complaints or concerns received by or known by departments about
8 their surveillance technology and results of any internal audits or other assessments of code
9 compliance; and

10 F. Total annual costs for use of surveillance technology, including personnel and other
11 ongoing costs.

12 **14.18.070 Enforcement**

13 A. The CTO shall direct any department not in compliance with the requirements of this
14 Chapter 14.18 to cease acquisition or use of the surveillance technology or its data.

15 B. Any person who is surveilled and injured by a material violation of this Chapter 14.18
16 that is a proximate cause of an injury may institute proceedings against the City in a court of
17 competent jurisdiction for injunctive relief, declaratory relief, or a writ of mandate to enforce this
18 Chapter 14.18; if the person has given the City written notice via the City Attorney's Office
19 specifying the alleged violation of a specific section or sections of this Chapter 14.18 stating that
20 legal relief may be sought and giving the City at least 90 days after receipt of the written notice
21 to respond and address the concern, and the City has not addressed the concern in the 90 days.

22 Section 3. Notwithstanding the provisions of Chapter 14.18 of the Seattle Municipal
23 Code, each City department may use surveillance technology that has not received prior Council

1 approval under Chapter 14.18 when the technology is, as of the effective date of this ordinance,
2 (1) in the department's possession or (2) that is in the execution or closeout phase of acquisition
3 or has had a purchase order issued, pursuant to the Chief Technology Officer's authority under
4 subsection 3.23.030.C of the Seattle Municipal Code; provided, that the department complies
5 with the procedures set forth in this section for Council approval.

6 Each City department shall compile a list of all surveillance technology that it controls
7 and is utilizing as of the effective date of this ordinance that are not covered by an exemption or
8 exception to the requirements of this Chapter 14.18 of the Seattle Municipal Code and submit it
9 to the CTO, or submit an affirmative statement that there are no such technologies. The list shall
10 ~~be organized in order of greatest privacy impacts to least,~~ identify for each technology whether
11 the technology has received prior Council approval under Chapter 14.18, and if so, the ordinance
12 number. The CTO shall compile a master list that contains the information submitted by each
13 department and a final list that identifies separately for each department the order in which the
14 technology is recommended to be brought to the Council for ordinance approval, ~~or an~~
15 ~~affirmative statement that there are no such technologies,~~ The master list shall be filed within
16 90 days of the effective date of this ordinance with the City Clerk, with an electronic copy to the
17 Chair of the committee responsible for public safety, the Director of Central Staff, the Chief
18 Technology Officer, and the Inspector General for Public Safety. ~~The list may be refined after~~
19 ~~consultation with the Chief Technology Officer and the Chief Technology Officer's~~
20 ~~determination that a technology either does or does not perform surveillance. Corrections~~ The
21 CTO may make corrections to the ~~list should~~ master list, which must be timely filed with the City
22 Clerk. ~~The~~ Each City department shall submit requests for surveillance technology ordinance
23 approval consistent with Chapter 14.18 of the Seattle Municipal Code at a rate of at least one per

1 month, or more when feasible, in list order, beginning no later than ~~30 days following the~~
2 ~~original submittal of the list~~the end of the first quarter of 2018. The Council may revise or re-
3 order the master list by resolution.

4 Section 4. By no later than September 15, 2017, the Executive shall convene a workgroup
5 that includes representation from the Community Technology Advisory Board (CTAB) to make
6 recommendations on how to utilize community expertise to advise the Council in surveillance
7 technology policy decision-making. The recommendations shall be submitted to the Council by
8 December 31, 2017, by filing with the City Clerk and providing an electronic copy to the Chair
9 of the committee responsible for public safety matters and the Director of Central Staff. In the
10 interim, the Council shall utilize the expertise of CTAB regarding Council actions on
11 surveillance technology.

12 Section 5. The first annual equity impact report under subsection 14.18.050.A of the
13 Seattle Municipal Code and first annual surveillance usage review under Section 14.18.060 of
14 the Seattle Municipal Code should cover activities through the end of 2018.

1 Section 6. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the _____ day of _____, 2017,
5 and signed by me in open session in authentication of its passage this _____ day of
6 _____, 2017.

7 _____
8 President _____ of the City Council

9 Approved by me this _____ day of _____, 2017.

10 _____
11 Edward B. Murray, Mayor

12 Filed by me this _____ day of _____, 2017.

13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)