

May 9, 2024

MEMORANDUM

To: Public Safety Committee
From: Tamaso Johnson, Analyst
Subject: Council Bill 120778 – Seattle Police Department Fleet-Wide Automated License Plate Reader Surveillance Technology

On Tuesday, May 14, 2024, the Public Safety Committee will discuss Council Bill (CB) 120778. The proposed bill is intended to meet the requirements of [Seattle Municipal Code Chapter 14.18](#), Acquisition and Use of Surveillance Technologies.¹ CB 120778 would approve the Seattle Police Department’s (SPD’s) expansion of Automated License Plate Reader² (ALPR) technology from its current limited use to a fleet-wide deployment and accept the Surveillance Impact Report (SIR) and the Executive Overview for this technology. The Executive Overview summarizes the operational policy statements which represent SPD’s allowable uses of ALPR technology and data.

This memo describes ALPR technology and its use to date by SPD including relevant policy and procedures, summarizes potential civil liberties impacts and disparate impacts on historically targeted communities and vulnerable populations, and the public engagement process, as reported in the SIR. This memo also notes some outstanding questions related to the policy implications of fleet-wide deployment of this technology which are not addressed in this memo.

Automated License Plate Reader Technology

Overview

CB 120778 would approve SPD’s expanded use of ALPR and accept the SIR and Executive Overview for this technology, which under full-fleet deployment will leverage high definition in-vehicle video cameras, also known as “dashcams,” to continuously read and analyze license plates visible to these cameras in all SPD vehicles.³ SPD uses ALPR to check a vehicle against a “HotList” of license plate numbers from the Washington Crime Information Center, the FBI’s National Crime Information Center, and SPD’s investigations to identify stolen vehicles, and vehicles wanted in conjunction with felonies or associated with wanted persons or Amber and Silver Alerts (abducted children and missing people). Officers must verify that the system accurately read the license plate and ask Dispatch to verify that a vehicle is connected with one

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

² The technology is sometimes also referred to as “Automated License Plate Recognition,” a term which is used in places in the SIR and SIR Executive Overview attached to this ordinance.

³ Prior ALPR deployments by SPD employed a different hardware and software system requiring special dedicated infrared cameras, however the proposed fleet-wide deployment will utilize dashcams (Axon Fleet 3 cameras paired with Axon Fleet Hub software platform) to record and analyze license plates.

of the above before taking any action. SPD retains ALPR data for 90 days,⁴ or when included as part of an investigative file, for the retention period related to the incident in question.

Purposes and Uses of ALPR

The 2023 ALPR SIR documents the operational policy statements that represent the only allowable uses of the equipment and data collected by the Automated License Plate Readers, as follows:

[SPD Policy 16.170](#) directs that ALPRs are only to be used for the following purposes:

- Locating stolen vehicles;
- Locating stolen license plates;
- Locating wanted, endangered or missing persons; or those violating protection orders;
- Canvassing the area around a crime scene;
- Locating vehicles under SCOFFLAW⁵; and
- Electronically chalking vehicles for parking enforcement purposes.

SPD Policy 16.170 also limits access to ALPR data maintained on SPD systems to the following purposes:

Search of specific or partial plate(s) and/or vehicle identifiers as related to:

- A crime in-progress;
- A search of a specific area as it relates to a crime in-progress;
- A criminal investigation;
- A search for a wanted person;
- Community caretaking functions such as locating an endangered or missing person; or
- Officers/detectives conducting searches in the system will complete the Read Query screen documenting the justification for the search and applicable case number.

Existing ALPR Deployment and Prior Surveillance Ordinance Process

SPD is currently using ALPR technology in a limited deployment, as authorized retroactively by the Council in 2021.⁶ Currently, SPD has nine police patrol vehicles equipped with ALPR. SPD parking enforcement also utilizes ALPR; however, this deployment is governed by separate policies and was authorized under a different SIR approval ordinance.⁷ All descriptions and discussions of ALPR use pursuant to CB 120778 and the corresponding SIR relate to non-parking enforcement uses.

⁴ SPD follows the Washington Secretary of State law enforcement records retention schedule, as required by state law. See, specifically, [Disposition Authority Number LE09-01-09, Law Enforcement Records Retention Schedule Version 8.0 \(February 2022\)](#).

⁵ License plates associated with four or more unpaid parking citations per [SMC 11.35](#).

⁶ See [Council Bill 120025](#)

⁷ See [Council Bill 120026](#)

The fleet-wide deployment contemplated by this ordinance would expand use of ALPR to 360 SPD vehicles, including six patrol boats and roughly 270 marked patrol cars. SPD estimates the cost of fleet-wide ALPR deployment to be \$280,000 per year beginning in 2024. The SIR process for material updates to previously authorized technologies, such as this proposed fleet-wide ALPR expanded deployment, does not require a new analysis or assessment on privacy and civil liberties issues by the Community Surveillance Working Group. However, the Community Surveillance Working Group did author a Privacy and Civil Liberties Impact Assessment on the original ALPR SIR, which can be found along with the corresponding response from the City’s Chief Technology Officer in the SIR accompanying 2021 ALPR authorization ordinance.⁸

Civil Liberties and Potential Disparate Impacts on Historically Marginalized Communities

Departments submitting a SIR are required to complete an adapted version of the Racial Equity Toolkit (RET) to inform the SIR public engagement process and to highlight and mitigate impacts on racial equity from the use of the technology. The RET for fleet-wide ALPR identifies the following potential civil liberties impacts and methods of mitigation:

Identified Risk / Impact	SPD Mitigation Response
License plate data could be paired with other identifiable information to identify individuals without reasonable suspicion of having committed a crime, or to data mine for information not incidental to any active investigation.	SPD Policy 16.170 limits use of ALPR to routine patrol, criminal investigations, and parking enforcement.
Potential targeting, or perception thereof, of diverse neighborhoods, communities, or individuals.	SPD Policy 5.140 forbids bias-based policing. ALPR via in-car video fleet-wide is non-discretionary.
ALPR could contribute to lack of privacy, disproportionate data collection and sharing with a disparate impact on historically targeted communities.	SPD has established data dissemination and retention policies for ALPR data designed to mitigate these risks, including 90-day retention policy that mitigates improper identification of community members.

⁸ See [2018 Surveillance Impact Report: Automated License Plate Recognition \(ALPR\) \(Patrol\)](#).

Public Engagement

The Executive accepted public comments on fleet-wide ALPR expansion in late 2023. Appendix B in the SIR includes responses collected during the public comment to questions describing concerns and potential benefits of fleet-wide ALPR, as well as comment letters from individuals and organizations. Appendix C of the SIR describes demographic information from this public comment period. Concerns expressed via public comment included: general concerns about increasing surveillance; the necessity and risk of the 90 day retention period for ALPR data not flagged on a HotList or related to any crime; risks associated with government use and sharing of ALPR data to conduct immigration enforcement actions or restrict reproductive health access; risks to victims of domestic violence and stalking arising from information about their location potentially becoming available to abusive individuals via ALPR data; and, harms associated with private and commercial actors access to ALPR data.⁹ Some public comments also highlighted potential benefits to fleet-wide ALPR including: improving recovery of stolen vehicles and/or property; reduction of crime; quicker response to missing persons cases; tracking reckless drivers and reducing traffic fatalities; and improving police accountability.

Policy Considerations

Central Staff is still reviewing this legislation and will follow up with Committee members if specific policy options are identified.

Next Steps

The Committee will have a second hearing and may vote on CB 120778 on May 28, 2024. If members have amendment requests, please contact Central Staff no later than 12pm on May 20, 2024.

Please contact me if you have any questions. Thank you.

cc: Benjamin Noble, Director
Aly Pennucci, Deputy Director

⁹ The Community Surveillance Working Group Privacy and Civil Liberties Impact Assessment for ALPR, authored pursuant to the original Surveillance Ordinance process for ALPR, contains similar concerns. The Impact Assessment summarizes these categories of concerns as, “1. The use of these systems and the data collected by them for purposes other than those intended. 2. Over-collection and over-retention of data. 3. Sharing of that data with third parties (such as federal law enforcement agencies).” The Chief Technology Officer response to this Impact Assessment identifies the ways in which SPD policy (including new policies adopted between the initial publication of the first ALPR SIR in 2018 and Council approval in 2021), operating procedures, and the contents of the SIR attempt to address these concerns. See [2018 Surveillance Impact Report: Automated License Plate Recognition \(ALPR\) \(Patrol\)](#).