



SEATTLE CITY COUNCIL

Transportation and Utilities Committee

Agenda

Wednesday, May 19, 2021

9:30 AM

Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or
Seattle Channel online.

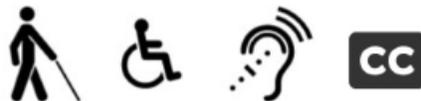
Alex Pedersen, Chair
Dan Strauss, Vice-Chair
M. Lorena González, Member
Lisa Herbold, Member
Tammy J. Morales, Member
Debora Juarez, Alternate

Chair Info: 206-684-8804; Alex.Pedersen@seattle.gov

[Watch Council Meetings Live](#) [View Past Council Meetings](#)

Council Chamber Listen Line: 206-684-8566

For accessibility information and for accommodation requests, please call
206-684-8888 (TTY Relay 7-1-1), email CouncilAgenda@Seattle.gov, or visit
<http://seattle.gov/cityclerk/accommodations>.



SEATTLE CITY COUNCIL
Transportation and Utilities Committee
Agenda
May 19, 2021 - 9:30 AM

Meeting Location:

Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or Seattle Channel online.

Committee Website:

<http://www.seattle.gov/council/committees/transportation-and-utilities>

This meeting also constitutes a meeting of the City Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business.

In-person attendance is currently prohibited per Washington State Governor's Proclamation 20-28.15, until the COVID-19 State of Emergency is terminated or Proclamation 20-28 is rescinded by the Governor or State legislature. Meeting participation is limited to access by telephone conference line and online by the Seattle Channel.

Register online to speak during the Public Comment period at the 9:30 a.m. Transportation and Utilities Committee meeting at <http://www.seattle.gov/council/committees/public-comment>.

Online registration to speak at the Transportation and Utilities Committee meeting will begin two hours before the 9:30 a.m. meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

Submit written comments to Councilmember Pedersen at Alex.Pedersen@seattle.gov

Sign-up to provide Public Comment at the meeting at <http://www.seattle.gov/council/committees/public-comment>

Watch live streaming video of the meeting at <http://www.seattle.gov/council/watch-council-live>

Listen to the meeting by calling the Council Chamber Listen Line at 253-215-8782 Meeting ID: 586 416 9164

One Tap Mobile No. US: +12532158782,,5864169164#

Please Note: Times listed are estimated

A. Call To Order

B. Approval of the Agenda

C. Public Comment

D. Items of Business

1. [CB 120074](#) **AN ORDINANCE granting Grange Insurance Association permission to continue maintaining and operating a pedestrian skybridge over and across the alley between 2nd Avenue and 3rd Avenue, north of Cedar Street; repealing Section 8 of Ordinance 123723; and providing for acceptance of the permit and conditions.**

*Supporting
Documents:*

[Summary and Fiscal Note](#)

[Summary Att A - Grange Insurance Association Skybridge Area
Map](#)

[Summary Att B - Grange Insurance Association Skybridge Photo](#)

[Summary Att C - Annual Fee Assessment Summary
Presentation](#)

[Central Staff Memo](#)

Briefing, Discussion, and Possible Vote

Presenters: Beverly Barnett and Amy Gray, Seattle Department of Transportation (SDOT); Lish Whitson, Council Central Staff; Jennifer Stachowiak and Brian Allen, Grange Insurance Association

2. [CB 120061](#) **AN ORDINANCE granting permission to Northwest Kidney Center to continue to operate and maintain a pedestrian tunnel under and across Broadway, north of Cherry Street; repealing Section 8 of Ordinance 123367; and providing for acceptance of the permit and conditions.**

Supporting Documents:

[Summary and Fiscal Note](#)
[Summary Att A - NW Kidney Center Tunnel Area Map](#)
[Summary Att B – NW Kidney Center Pedestrian Tunnel Fee Assessment](#)
[Presentation](#)
[Central Staff Memo](#)

Briefing, Discussion, and Possible Vote

Presenters: Beverly Barnett and Amy Gray, SDOT; Lish Whitson, Council Central Staff; Randy Thompson, Northwest Kidney Center

3. [CB 120075](#) **AN ORDINANCE granting BGO Plaza 600 JV LLC permission to continue maintaining and operating a vehicular and pedestrian tunnel under the alley between 6th Avenue and 7th Avenue, north of Stewart Street; repealing Section 7 of Ordinance 119508; and providing for acceptance of the permit and conditions.**

Supporting Documents:

[Summary and Fiscal Note](#)
[Summary Att A - BGO Plaza 600 JV LLC Vehicular and Pedestrian Tunnel Area Map](#)
[Summary Att B - Annual Fee Assessment Summary](#)
[Presentation](#)
[Central Staff Memo](#)

Briefing, Discussion, and Possible Vote

Presenters: Beverly Barnett and Amy Gray, SDOT; Lish Whitson, Council Central Staff; Craig Maturi, Plaza 600

4. [CB 120076](#) **AN ORDINANCE granting IC/RCDP Seattle Hotel, LLC permission to continue maintaining and operating a pedestrian tunnel under and across Seneca Street, between 4th Avenue and 5th Avenue; repealing Section 8 of Ordinance 123539; and providing for acceptance of the permit and conditions.**

Supporting Documents:

[Summary and Fiscal Note](#)

[Summary Att A - Fairmont Hotel Tunnel Area Map](#)

[Summary Att B – Annual Fee Assessment Summary](#)

[Presentation](#)

[Central Staff Memo](#)

Briefing, Discussion, and Possible Vote

Presenters: Beverly Barnett and Amy Gray, SDOT; Lish Whitson, Council Central Staff; Jack McCullough and Erin Blue, Fairmont Hotel

5. [Appt 01914](#) **Reappointment of Marilyn K. Firman as member, Seattle School Traffic Safety Committee, for a term to March 31, 2024.**

Attachments: [Appointment Packet](#)

Briefing, Discussion, and Possible Vote

Presenter: Jennifer Meulenber, SDOT

6. [CB 120052](#) **AN ORDINANCE relating to the City Light Department; authorizing the General Manager and Chief Executive Officer of City Light to execute an Interlocal Agreement with Skagit County for the transfer of real property from Skagit County to The City of Seattle, to execute conveyance documents and agreements deemed necessary for the transfer of the property on behalf of The City of Seattle, and to accept a Quit Claim Deed from Skagit County for such property; and placing the conveyed property under the jurisdiction of City Light as part of its Endangered Species Act Land Program.**

Attachments: [Att 1 – Interlocal Agreement](#)
[Att 2 – Quit Claim Deed](#)

Supporting Documents: [Summary and Fiscal Note](#)
[Summary Att 1 – Map of Parcel Property](#)
[Presentation](#)

Briefing, Discussion, and Possible Vote

Presenters: Debra Smith, General Manager & CEO, Tom DeBoer, Kate Engel, William Deveraux, Greg Sancewich, Denise Krownbell, and Maura Brueger, Seattle City Light; Eric McConaghy, Council Central Staff

7. **Presentation: Internet for All Status Report**

Supporting Documents: [Presentation](#)
[Report](#)

Briefing and Discussion

Presenters: Tracye Cantrell, Delia Burke, Alice Lawson, David Keyes, and Vicky Yuki, Seattle Information Technology Department (Seattle IT); Eric McConaghy, Council Central Staff

8. [CB 120053](#) **AN ORDINANCE relating to surveillance technology implementation; authorizing approval of uses and accepting the 2020 surveillance impact report and 2020 executive overview for the Seattle Police Department's use of Forward Looking Infrared Real-Time Video.**

Attachments: [Att 1 – SIR: Forward Looking Infrared Real-Time Video \(FLIR\)](#)
[Att 2 – Executive Overview: Forward Looking Infrared Real-Time Video](#)

Supporting Documents: [Summary and Fiscal Note](#)
[Central Staff Memo \(5/5/21\)](#)
[Seattle IT Presentation](#)
[Central Staff Presentation](#)
[Proposed Amendment 1](#)
[Proposed Amendment 2](#)
[Proposed Amendment 3](#)
[Proposed Amendment 4](#)
[Proposed Amendment 5](#)

Briefing, Discussion, and Possible Vote

Presenters for Agenda Items 8 - 10: Ginger Armbruster and Omari Stringer, Seattle IT; Paul McDonagh, Seattle Police Department; Lise Kaye, Council Central Staff

9. [CB 120054](#) **AN ORDINANCE relating to surveillance technology implementation; authorizing approval of uses and accepting the 2020 surveillance impact report and 2020 executive overview for the Seattle Police Department’s use of Situational Awareness Cameras Without Recording.**

Attachments: [Att 1 - SIR: Situational Awareness Cameras](#)
 [Att 2 - Executive Overview: Situational Awareness Cameras](#)

Supporting Documents: [Summary and Fiscal Note](#)
 [Central Staff Memo \(5/5/21\)](#)
 [Seattle IT Presentation](#)
 [Central Staff Presentation](#)
 [Proposed Amendment 1](#)
 [Proposed Amendment 2](#)
 [Proposed Amendment 3](#)

Briefing, Discussion, and Possible Vote

10. [CB 120055](#) **AN ORDINANCE relating to surveillance technology implementation; authorizing approval of uses and accepting the 2020 surveillance impact report and 2020 executive overview for the Seattle Police Department’s use of Video Recording Systems.**

Attachments: [Att 1 – SIR: Video Recording Systems](#)
 [Att 2 – Executive Overview: Video Recording Systems](#)

Supporting Documents: [Summary and Fiscal Note](#)
 [Central Staff Memo \(5/5/21\)](#)
 [Seattle IT Presentation](#)
 [Central Staff Presentation](#)
 [Proposed Amendment 1](#)
 [Proposed Amendment 2](#)
 [Proposed Amendment 3](#)

Briefing, Discussion, and Possible Vote

E. Adjournment



Legislation Text

File #: CB 120074, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE granting Grange Insurance Association permission to continue maintaining and operating a pedestrian skybridge over and across the alley between 2nd Avenue and 3rd Avenue, north of Cedar Street; repealing Section 8 of Ordinance 123723; and providing for acceptance of the permit and conditions.

WHEREAS, by Ordinance 123723, The City of Seattle granted Grange Insurance Association permission to maintain and operate a pedestrian skybridge over and across the alley between 2nd Avenue and 3rd Avenue, north of Cedar Street, for a ten-year term, renewable for two successive ten-year terms; and

WHEREAS, the permission authorized by Ordinance 123723 was due for renewal on December 1, 2020; and

WHEREAS, although the permission expired on November 30, 2020, Grange Insurance Association has complied with all the conditions and obligations of Ordinance 123723; and

WHEREAS, Grange Insurance Association submitted an application to the Director of Transportation to renew the permission granted by Ordinance 123723 for a 15-year term; and

WHEREAS, the obligations of Ordinance 123723 remain in effect after the ordinance term expires until the encroachment is removed, or Grange Insurance Association is relieved of the obligations by the Seattle Department of Transportation Director, or the Seattle City Council passes a new ordinance to renew the permission granted; and

WHEREAS, Grange Insurance Association continues to be obligated by the public benefit mitigation elements stated in Ordinance 123723 for the duration the pedestrian skybridge remains in the right-of-way; and

WHEREAS, Grange Insurance Association satisfied all the terms of the original authorizing ordinance and the

Director of Transportation recommends that the term permit be renewed for 15 years subject to the terms identified in this ordinance; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. **Permission.** Subject to the terms and conditions of this ordinance, the City of Seattle (“City”) grants permission (also referred to in this ordinance as a permit) to Grange Insurance Association, and its successors and assigns as approved by the Director of the Seattle Department of Transportation (“Director”) according to Section 14 of this ordinance (the party named above and each such approved successor and assign are referred to as “Permittee”), to continue maintaining and operating an existing pedestrian skybridge over and across the alley between 2nd Avenue and 3rd Avenue, north of Cedar Street.. The pedestrian skybridge is adjacent in whole or in part to the properties legally described as:

Block 18, Lots 1-6, Second Addition to that part of the City of Seattle, as laid off by A. A. Denny and W. N. Bell (commonly known as Bell and Denny’s 2nd Addition to the City of Seattle), according to the plat thereof recorded in Volume 1 of plats, page 77, records of King County, Washington; except the easterly 12 feet of said Lots 5 and 6 condemned in King County Superior Court cause number 52280, for the widening of 3rd Avenue, as provided by Ordinance No. 13776 of the City of Seattle; and except the southwesterly 12 feet of said Lots 1-4 condemned in District Court Cause No. 7087, for the widening of 2nd Avenue, as provided by Ordinance No. 1107 of the City of Seattle.

Section 2. **Term.** The permission granted to the Permittee is for a second and final renewed term of 15 years starting on the effective date of this ordinance, and ending at 11:59 p.m. on the last day of the fifteenth year.

. Upon written application made by the Permittee at least one year before the expiration of the first term, the Director or City Council may renew the permit once, for a successive fifteen-year term, subject to the right of the City to require the removal of the pedestrian skybridge or to revise by ordinance any of the terms and conditions of the permission granted by this ordinance. The total term of the permission, including renewals, shall not exceed 30 years.

Section 3. **Protection of utilities.** The permission granted is subject to the Permittee bearing the expense of any protection, support, or relocation of existing utilities deemed necessary by the owners of the

utilities, and the Permittee being responsible for any damage to the utilities due to the construction, repair, reconstruction, maintenance, operation, or removal of the pedestrian skybridge and for any consequential damages that may result from any damage to utilities or interruption in service caused by any of the foregoing.

Section 4. **Removal for public use or for cause.** The permission granted is subject to use of the street right-of-way or other public place (collectively, “public place”) by the City and the public for travel, utility purposes, and other public uses or benefits. The City expressly reserves the right to deny renewal, or terminate the permission at any time prior to expiration of the initial term or any renewal term, and require the Permittee to remove the pedestrian skybridge, or any part thereof or installation on the public place, at the Permittee’s sole cost and expense if:

A. The City Council determines by ordinance that the space occupied by the pedestrian skybridge is necessary for any public use or benefit or that the pedestrian skybridge interferes with any public use or benefit; or

B. The Director determines that use of the pedestrian skybridge has been abandoned; or

C. The Director determines that any term or condition of this ordinance has been violated, and the violation has not been corrected by the Permittee by the compliance date after a written request by the City to correct the violation (unless a notice to correct is not required due to an immediate threat to the health or safety of the public).

A City Council determination that the space is needed for, or the pedestrian skybridge interferes with, a public use or benefit is conclusive and final without any right of the Permittee to resort to the courts to adjudicate the matter.

Section 5. **Permittee’s obligation to remove and restore.** If the permission granted is not renewed at the expiration of a term, or if the permission expires without an application for a new permission being granted, or if the City terminates the permission, then within 90 days after the expiration or termination of the permission, or prior to any earlier date stated in an ordinance or order requiring removal of the pedestrian

skybridge, the Permittee shall, at its own expense, remove the pedestrian skybridge and all of the Permittee's equipment and property from the public place and replace and restore all portions of the public place that may have been disturbed for any part of the pedestrian skybridge in as good condition for public use as existed prior to construction of the pedestrian skybridge and in at least as good condition in all respects as the abutting portions of the public place as required by Seattle Department of Transportation (SDOT) right-of-way restoration standards.

Failure to remove the pedestrian skybridge as required by this section is a violation of Chapter 15.90 of the Seattle Municipal Code (SMC) or successor provision; however, applicability of Chapter 15.90 does not eliminate any remedies available to the City under this ordinance or any other authority. If the Permittee does not timely fulfill its obligations under this section, the City may in its sole discretion remove the pedestrian skybridge and restore the public place at the Permittee's expense and collect such expense in any manner provided by law.

Upon the Permittee's completion of removal and restoration in accordance with this section, or upon the City's completion of the removal and restoration and the Permittee's payment to the City for the City's removal and restoration costs, the Director shall then issue a certification that the Permittee has fulfilled its removal and restoration obligations under this ordinance. Upon prior notice to the Permittee and entry of written findings that it is in the public interest, the Director may, in the Director's sole discretion, conditionally or absolutely excuse the Permittee from compliance with all or any of the Permittee's obligations under this section.

Section 6. **Repair or reconstruction.** The pedestrian skybridge shall remain the exclusive responsibility of the Permittee and the Permittee shall maintain the pedestrian skybridge in good and safe condition for the protection of the public. The Permittee shall not reconstruct or repair the pedestrian skybridge except in strict accordance with plans and specifications approved by the Director. The Director may, in the Director's judgment, order the pedestrian skybridge reconstructed or repaired at the Permittee's cost and expense: because of the deterioration of the pedestrian skybridge; because of the installation, construction, reconstruction,

maintenance, operation, or repair of any municipally-owned public utilities; or for any other cause.

Section 7. **Failure to correct unsafe condition.** After written notice to the Permittee and failure of the Permittee to correct an unsafe condition within the time stated in the notice, the Director may order the pedestrian skybridge be removed at the Permittee's expense if the Director deems that the pedestrian skybridge creates a risk of injury to the public. If there is an immediate threat to the health or safety of the public, a notice to correct is not required.

Section 8. **Continuing obligations.** Notwithstanding termination or expiration of the permission granted, or removal of the pedestrian skybridge, the Permittee shall remain bound by all of its obligations under this ordinance until the Director has issued a certification that the Permittee has fulfilled its removal and restoration obligations under Section 5 of this ordinance, or the Seattle City Council passes a new ordinance to renew the permission granted and/or establish a new term. Notwithstanding the issuance of that certification, the Permittee shall continue to be bound by the obligations in Section 9 of this ordinance and shall remain liable for any unpaid fees assessed under Section 15 and Section 17 of this ordinance.

Section 9. **Release, hold harmless, indemnification, and duty to defend.** The Permittee, by accepting the terms of this ordinance, releases the City, its officials, officers, employees, and agents from any and all claims, actions, suits, liability, loss, costs, expense, attorneys' fees, or damages of every kind and description arising out of or by reason of the pedestrian skybridge or this ordinance, including but not limited to claims resulting from injury, damage, or loss to the Permittee or the Permittee's property.

The Permittee agrees to at all times defend, indemnify, and hold harmless the City, its officials, officers, employees, and agents from and against all claims, actions, suits, liability, loss, costs, expense, attorneys' fees, or damages of every kind and description, excepting only damages that may result from the sole negligence of the City, that may accrue to, be asserted by, or be suffered by any person or property including, without limitation, damage, death, or injury to members of the public or to the Permittee's officers, agents, employees, contractors, invitees, tenants, tenants' invitees, licensees, or successors and assigns, arising out of or by reason

of:

A. The existence, condition, construction, reconstruction, modification, maintenance, operation, use, or removal of the pedestrian skybridge, or any portion thereof, or the use, occupation, or restoration of the public place or any portion thereof by the Permittee or any other person or entity;

B. Anything that has been done or may at any time be done by the Permittee by reason of this ordinance; or

C. The Permittee failing or refusing to strictly comply with every provision of this ordinance; or arising out of or by reason of the pedestrian skybridge or this ordinance in any other way.

If any suit, action, or claim of the nature described above is filed, instituted, or begun against the City, the Permittee shall upon notice from the City defend the City, with counsel acceptable to the City, at the sole cost and expense of the Permittee, and if a judgment is rendered against the City in any suit or action, the Permittee shall fully satisfy the judgment within 90 days after the action or suit has been finally determined, if determined adversely to the City. If it is determined by a court of competent jurisdiction that Revised Code of Washington (RCW) 4.24.115 applies to this ordinance, then in the event claims or damages are caused by or result from the concurrent negligence of the City, its agents, contractors, or employees, and the Permittee, its agents, contractors, or employees, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Permittee or the Permittee's agents, contractors, or employees.

Section 10. **Insurance.** For as long as the Permittee exercises any permission granted by this ordinance and until the Director has issued a certification that the Permittee has fulfilled its removal and restoration obligations under Section 5 of this ordinance, the Permittee shall obtain and maintain in full force and effect, at its own expense, insurance and/or self-insurance that protects the Permittee and the City from claims and risks of loss from perils that can be insured against under commercial general liability (CGL) insurance policies in conjunction with:

A. Construction, reconstruction, modification, operation, maintenance, use, existence, or removal of the

pedestrian skybridge, or any portion thereof, as well as restoration of any disturbed areas of the public place in connection with removal of the pedestrian skybridge;

B. The Permittee's activity upon or the use or occupation of the public place described in Section 1 of this ordinance; and

C. Claims and risks in connection with activities performed by the Permittee by virtue of the permission granted by this ordinance.

Minimum insurance requirements are CGL insurance written on an occurrence form at least as broad as the Insurance Services Office (ISO) CG 00 01. The City requires insurance coverage to be placed with an insurer admitted and licensed to conduct business in Washington State or with a surplus lines carrier pursuant to chapter 48.15 RCW. If coverage is placed with any other insurer or is partially or wholly self-insured, such insurer(s) or self-insurance is subject to approval by the City's Risk Manager.

Minimum limits of liability shall be \$5,000,000 per Occurrence; \$10,000,000 General Aggregate; \$5,000,000 Products/Completed Operations Aggregate, including Premises Operations; Personal/Advertising Injury; Contractual Liability. Coverage shall include the "City of Seattle, its officers, officials, employees and agents" as additional insureds for primary and non-contributory limits of liability subject to a Separation of Insureds clause.

Within 60 days after the effective date of this ordinance, the Permittee shall provide to the City, or cause to be provided, certification of insurance coverage including an actual copy of the blanket or designated additional insured policy provision per the ISO CG 20 12 endorsement or equivalent. The insurance coverage certification shall be delivered or sent to the Director or to SDOT at an address as the Director may specify in writing from time to time. The Permittee shall provide a certified complete copy of the insurance policy to the City promptly upon request.

If the Permittee is self-insured, a letter of certification from the Corporate Risk Manager may be submitted in lieu of the insurance coverage certification required by this ordinance, if approved in writing by

the City's Risk Manager. The letter of certification must provide all information required by the City's Risk Manager and document, to the satisfaction of the City's Risk Manager, that self-insurance equivalent to the insurance requirements of this ordinance is in force. After a self-insurance certification is approved, the City may from time to time subsequently require updated or additional information. The approved self-insured Permittee must provide 30 days' prior notice of any cancellation or material adverse financial condition of its self-insurance program. The City may at any time revoke approval of self-insurance and require the Permittee to obtain and maintain insurance as specified in this ordinance.

In the event that the Permittee assigns or transfers the permission granted by this ordinance, the Permittee shall maintain in effect the insurance required under this section until the Director has approved the assignment or transfer pursuant to Section 14 of this ordinance.

Section 11. **Contractor insurance.** The Permittee shall contractually require that any and all of its contractors performing work on any premises contemplated by this permit name the "City of Seattle, its officers, officials, employees and agents" as additional insureds for primary and non-contributory limits of liability on all CGL, Automobile and Pollution liability insurance and/or self-insurance. The Permittee shall also include in all contract documents with its contractors a third-party beneficiary provision extending to the City construction indemnities and warranties granted to the Permittee.

Section 12. **Performance bond.** Within 60 days after the effective date of this ordinance, the Permittee shall deliver to the Director for filing with the City Clerk a sufficient bond executed by a surety company authorized and qualified to do business in the State of Washington, in the amount of \$20,000 and conditioned with a requirement that the Permittee shall comply with every provision of this ordinance and with every order the Director issues under this ordinance. The Permittee shall ensure that the bond remains in effect until the Director has issued a certification that the Permittee has fulfilled its removal and restoration obligations under Section 5 of this ordinance. An irrevocable letter of credit approved by the Director in consultation with the City Attorney's Office may be substituted for the bond. In the event that the Permittee assigns or transfers the

permission granted by this ordinance, the Permittee shall maintain in effect the bond or letter of credit required under this section until the Director has approved the assignment or transfer pursuant to Section 14 of this ordinance.

Section 13. **Adjustment of insurance and bond requirements.** The Director may adjust minimum liability insurance levels and surety bond requirements during the term of this permission. If the Director determines that an adjustment is necessary to fully protect the interests of the City, the Director shall notify the Permittee of the new requirements in writing. The Permittee shall, within 60 days of the date of the notice, provide proof of the adjusted insurance and surety bond levels to the Director.

Section 14. **Consent for and conditions of assignment or transfer.** When the Property is transferred, the permission granted by this ordinance shall be assignable and transferable by operation of law pursuant to Section 20 of this ordinance. Continued occupation of the right-of-way constitutes the Permittee's acceptance of the terms of this ordinance, and the new owner shall be conferred with the rights and obligations of the Permittee by this ordinance. Other than a transfer to a new owner of the Property, the Permittee shall not transfer, assign, mortgage, pledge or encumber the same without the Director's consent, which the Director shall not unreasonably refuse. The Director may approve assignment or transfer of the permission granted by this ordinance to a successor entity only if the successor or assignee has provided, at the time of the assignment or transfer, the bond and certification of insurance coverage required under this ordinance; and has paid any fees due under Section 15 and Section 17 of this ordinance. Upon the Director's approval of an assignment or transfer, the rights and obligations conferred on the Permittee by this ordinance shall be conferred on the successors and assigns. Any person or entity seeking approval for an assignment or transfer of the permission granted by this ordinance shall provide the Director with a description of the current and anticipated use of the pedestrian skybridge.

Section 15. **Inspection fees.** The Permittee shall, as provided by SMC Chapter 15.76 or successor provision, pay the City the amounts charged by the City to inspect the pedestrian skybridge during construction,

reconstruction, repair, annual safety inspections, and at other times deemed necessary by the City. An inspection or approval of the pedestrian skybridge by the City shall not be construed as a representation, warranty, or assurance to the Permittee or any other person as to the safety, soundness, or condition of the pedestrian skybridge. Any failure by the City to require correction of any defect or condition shall not in any way limit the responsibility or liability of the Permittee.

Section 16. **Inspection reports.** The Permittee shall submit to the Director, or to SDOT at an address specified by the Director, an inspection report that:

- A. Describes the physical dimensions and condition of all load-bearing elements;
- B. Describes any damages or possible repairs to any element of the pedestrian skybridge;
- C. Prioritizes all repairs and establishes a timeframe for making repairs; and
- D. Is stamped by a professional structural engineer licensed in the State of Washington.

A report meeting the foregoing requirements shall be submitted within 60 days after the effective date of this ordinance; subsequent reports shall be submitted every two years, provided that, in the event of a natural disaster or other event that may have damaged the pedestrian skybridge, the Director may require that additional reports be submitted by a date established by the Director. The Permittee has the duty of inspecting and maintaining the pedestrian skybridge. The responsibility to submit structural inspection reports periodically or as required by the Director does not waive or alter any of the Permittee's other obligations under this ordinance. The receipt of any reports by the Director shall not create any duties on the part of the Director. Any failure by the Director to require a report, or to require action after receipt of any report, shall not waive or limit the obligations of the Permittee.

Section 17. **Annual fee.** Beginning on the effective date of this ordinance the Permittee shall pay an Issuance Fee, and annually thereafter, the Permittee shall promptly pay to the City, upon statements or invoices issued by the Director, an Annual Renewal Fee, and an Annual Use and Occupation fee of \$12,512, or as adjusted annually thereafter, for the privileges granted by this ordinance.

Adjustments to the Annual Use and Occupation Fee shall be made in accordance with a term permit fee schedule adopted by the City Council and may be made every year. In the absence of a schedule, the Director may only increase or decrease the previous year's fee to reflect any inflationary changes so as to charge the fee in constant dollar terms. This adjustment will be calculated by adjusting the previous year's fee by the percentage change between the two most recent year-end values available for the Consumer Price Index for the Seattle-Tacoma-Bellevue Area, All Urban Consumers, All Products, Not Seasonally Adjusted. Permittee shall pay any other applicable fees, including fees for reviewing applications to renew the permit after expiration of the first term. All payments shall be made to the City Finance Director for credit to the Transportation Fund.

Section 18. Compliance with other laws. The Permittee shall construct, maintain, and operate the pedestrian skybridge in compliance with all applicable federal, state, County, and City laws and regulations. Without limitation, in all matters pertaining to the pedestrian skybridge, the Permittee shall comply with the City's laws prohibiting discrimination in employment and contracting including Seattle's Fair Employment Practices Ordinance, Chapter 14.04, and Fair Contracting Practices code, Chapter 14.10 (or successor provisions).

Section 19. Acceptance of terms and conditions. The Permittee shall provide evidence of insurance coverage required by Section 10 of this ordinance, the bond as required by Section 12 of this ordinance, and the covenant agreement required by Section 20 of this ordinance within 60 days after the effective date of this ordinance. Continued occupation of the right-of-way constitutes the Permittee's acceptance of the terms of this ordinance.

Section 20. Obligations run with the Property. The obligations and conditions imposed on the Permittee by and through this ordinance are covenants that run with the land and bind subsequent owners of the property adjacent to the pedestrian skybridge and legally described in Section 1 of this ordinance (the "Property"), regardless of whether the Director has approved assignment or transfer of the permission granted herein to such subsequent owner(s). At the request of the Director, the Permittee shall provide to the Director a

current title report showing the identity of all owner(s) of the Property and all encumbrances on the Property. The Permittee shall, within 60 days of the effective date of this ordinance, and prior to conveying any interest in the Property, deliver to the Director upon a form to be supplied by the Director, a covenant agreement imposing the obligations and conditions set forth in this ordinance, signed and acknowledged by the Permittee and any other owner(s) of the Property and recorded with the King County Recorder's Office. The Director shall file the recorded covenant agreement with the City Clerk. The covenant agreement shall reference this ordinance by its ordinance number. At the request of the Director, Permittee shall cause encumbrances on the Property to be subordinated to the covenant agreement.

Section 21. **Public benefit mitigation.** The Permittee shall continue to maintain and operate the public benefits stated in Section 21 of Ordinance 123723, including:

- A. Public-use plaza, including landscaping, seating, paving, and lighting elements, occupying approximately 7,575 square feet in the southwest quadrant of the block located between 2nd and 3rd Avenues and Cedar and Clay Streets;
- B. Pedestrian lighting in alley and on roof of building;
- C. Security cameras in alley, plaza, and parking area; and
- D. Paving details around perimeter of building and tree pits.

Any changes to this list must be approved by the Director.

Section 22. **Repeal of Section 8 of Ordinance 123723.** Section 8 of Ordinance 123723 is repealed.

Section 23. **Section titles.** Section titles are for convenient reference only and do not modify or limit the text of a section.

Section 24. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2021, and signed by
me in open session in authentication of its passage this _____ day of _____, 2021.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2021.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2021.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Seattle Department of Transportation	Amy Gray/206-386-4638	Christie Parker/206-684-5211

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title:

AN ORDINANCE granting Grange Insurance Association permission to continue maintaining and operating a pedestrian skybridge over and across the alley between 2nd Avenue and 3rd Avenue, north of Cedar Street; repealing Section 8 of Ordinance 123723; and providing for acceptance of the permit and conditions.

Summary and background of the Legislation:

This legislation allows Grange Insurance Association to continue maintaining and operating a pedestrian skybridge over and across the alley between 2nd Avenue and 3rd Avenue, north of Cedar Street. The pedestrian skybridge permit is for a period of 15 years, commencing on the effective date of the ordinance. The permit may be extended for one successive 15-year term. The legislation specifies the conditions under which permission is granted.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes X No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? X Yes ___ No

Appropriation change (\$):	General Fund \$		Other \$	
	2021	2022	2021	2022
	\$0	\$0	\$0	\$0
Estimated revenue change (\$):	Revenue to General Fund		Revenue to Other Funds	
	2021	2022	2021	2022
	\$0	\$0	Annual Fee: \$12,512	TBD
Positions affected:	No. of Positions		Total FTE Change	
	2021	2022	2021	2022

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?
 No.

Is there financial cost or other impacts of *not* implementing the legislation?

If the legislation is not enacted by City Council, the City of Seattle would not receive the 2021 Annual Fee of \$12,512 and future annual fees.

3.a. Appropriations

This legislation adds, changes, or deletes appropriations.

3.b. Revenues/Reimbursements

This legislation adds, changes, or deletes revenues or reimbursements.

Anticipated Revenue/Reimbursement Resulting from this Legislation:

Fund Name and Number	Dept	Revenue Source	2021 Revenue	2022 Estimated Revenue
Transportation Fund (13000)	SDOT	Annual Fee	\$12,512	TBD
TOTAL			\$12,512	

Is this change one-time or ongoing?

On-going

Revenue/Reimbursement Notes:

The 2021 fee is based on the 2021 land value as assessed by King County.

3.c. Positions

This legislation adds, changes, or deletes positions.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

No.

b. Is a public hearing required for this legislation?

No.

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No.

d. Does this legislation affect a piece of property?

Yes, the Grange Insurance Association property legally described in Section 1 of the Council Bill.

- e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

This legislation does not have any implications for the principles of the Race and Social Justice Initiative and does not impact vulnerable or historically disadvantaged communities.

f. Climate Change Implications

- 1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

No.

- 2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

No.

- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).**

N/A

List attachments/exhibits below:

Summary Attachment A – Grange Insurance Association Skybridge Area Map

Summary Attachment B – Grange Insurance Association Skybridge Photo

Summary Attachment C – Annual Fee Assessment Summary

Grange Insurance Association Skybridge Area Map



Map is for informational purposes only and is not intended to modify or supplement the legal description(s) in the Ordinance.

Grange Insurance Association Skybridge Photo



Annual Fee Assessment Summary

STREET USE ANNUAL FEE ASSESSMENT

Date: 2/24/2021

<p><u>Summary:</u> Land Value: \$575/SF 2021 Permit Fee: \$12,512</p>
--

I. Property Description:

Existing pedestrian skybridge under and across the alley between 2nd Avenue and 3rd Avenue, north of Cedar St. The skybridge provides an above-grade pedestrian connection between the two Grange Insurance Association buildings. The skybridge area is **136 square feet**.

Applicant:

Grange Insurance Association

Abutting Parcel, Property Size, Assessed Value:

2021

Parcel 0656000045; Lot size: 38,880 square feet
Tax year 2021 Appraised Land Value \$22,356,000 (\$575/square foot)

Average 2021 Tax Assessed Land Value: \$575/SF

II. Annual Fee Assessment:

The 2021 permit fee is calculated as follows:

Tunnel:

$(\$575/\text{SF}) \times (136 \text{ SF}) \times (200\%) \times (8\%) = \boxed{\$12,512}$ where 200% is the degree of alienation for a private skybridge and 8% is the annual rate of return.

Fee methodology authorized under Ordinance 123485, as amended by Ordinances 123585, 123907, and 126159.



Grange Insurance Association Skybridge Renewal

Council Transportation & Utilities Committee

Council Transportation & Utilities Committee
Amy Gray
May 19, 2021



Presentation overview

- Grange Insurance Association is seeking to renew a permit for an existing pedestrian skybridge in the alley between 2nd Ave & 3rd Ave, north of Cedar St
- The pedestrian skybridge provides a connection for staff and visitors to the office building with the parking garage
- SDOT recommends approval of the term permit renewal

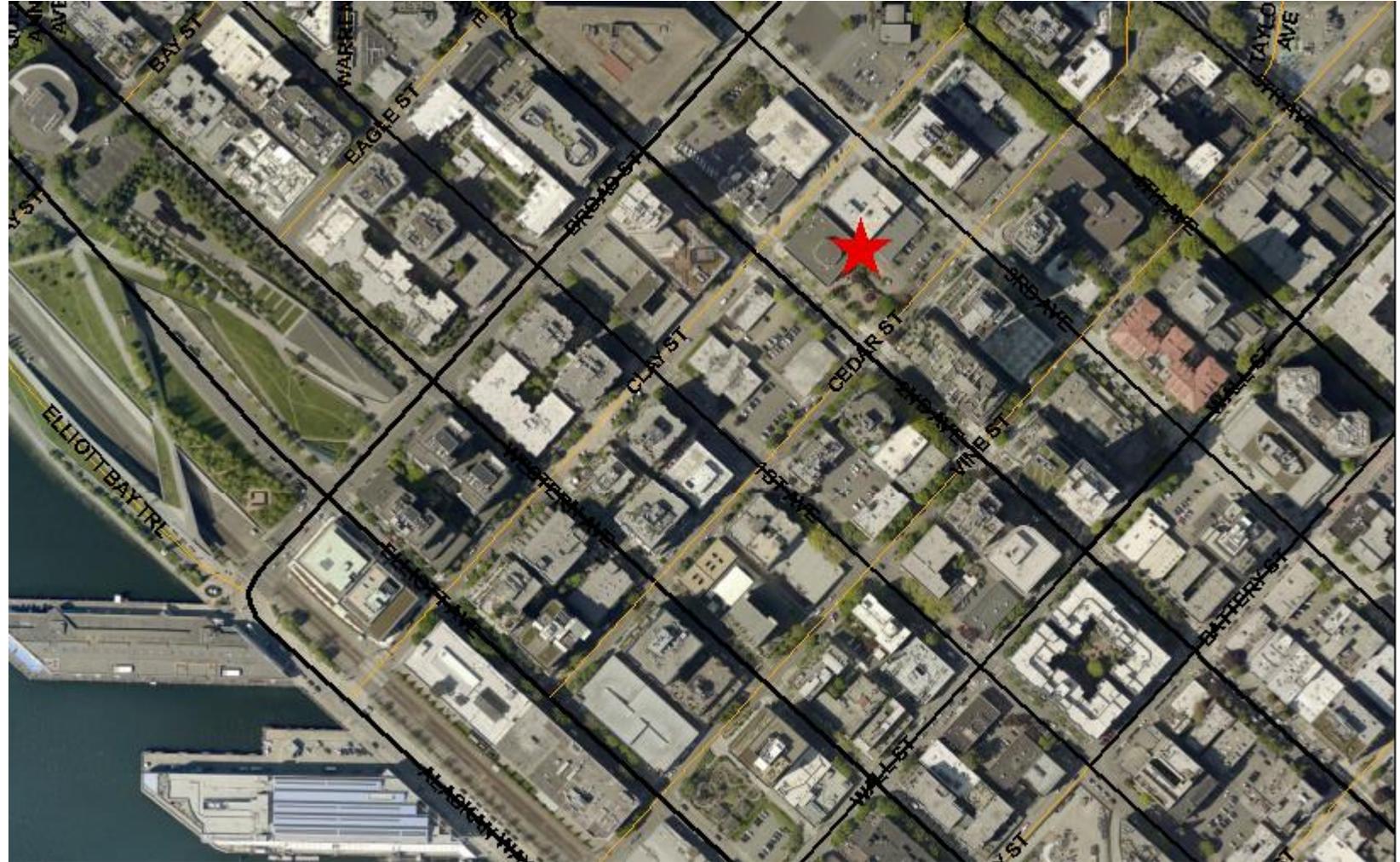
Term permit process - permit renewals

Ordinance

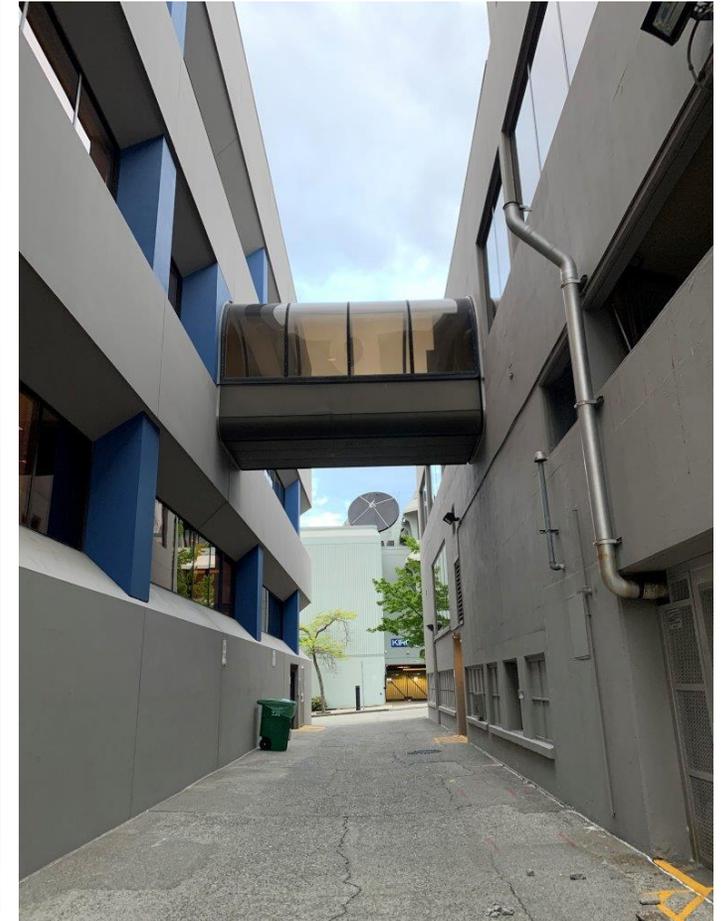
Passage of the ordinance renews the permit and details the terms and conditions of the permit, including annual fee, maintenance obligations, indemnification, insurance and bond requirements.

Project neighborhood - Belltown

200 Cedar St



Proposal: Grange Insurance skybridge photos



Requested action

- SDOT is seeking Council approval of the term permit ordinance for the existing Grange Insurance Association pedestrian skybridge
- If the ordinance is approved, this permit will be renewed through 2036 and may be extended for an additional 15 years

Questions?

amy.gray@seattle.gov | (206) 386-4638

www.seattle.gov/transportation



May 14, 2021

MEMORANDUM

To: Transportation and Utilities Committee
From: Lish Whitson, Analyst
Subject: Council Bill 120074 – Grange Insurance Company Skybridge

On May 19, 2021, the Transportation and Utilities Committee will discuss and possibly vote on [Council Bill \(CB\) 120074](#), which would renew and extend approval to maintain a skybridge across the alley between 2nd Avenue and 3rd Avenue, north of Cedar Street. The skybridge connects Grange Insurance’s offices at the southeast corner of 2nd Avenue and Clay Street to a parking garage on the southwest corner of 3rd Avenue and Clay Street. The legislation would provide a new fifteen year term for the term permit, which could be extended once.

The Seattle Department of Transportation (SDOT) is proposing that the terms of significant structure term permits and skybridge permits be extended. Instead of a ten year permit renewable twice, SDOT proposes to move to a fifteen year permit, renewable once. This shift responds to the volume of term permits, the amount of work required to process a permit renewal, and the rarity of significant changes to approvals during term permit renewals. As a result of this shift, this bill would extend the potential term of the permit by 11 years to 2051.

Permission to build and use the skybridge was first granted through [Ordinance 109660](#), in 1981. In 2010, [Ordinance 123723](#) regranted that approval for ten years, eligible to be renewed for two additional ten year terms. CB 120074 would amend Ordinance 123723 to allow the approval to run for a new 15-year term, which could be renewed for one additional 15 year term.

Skybridge Permit Renewals

Property owners who seek to build a new pedestrian bridge that would encroach over and above a public place¹ must seek skybridge permit approval from the City Council under Seattle Municipal Code (SMC) [Chapter 15.64](#). The code allows for renewals of a skybridge permit only if permitted in the original ordinance. [SMC 15.64.083](#) provides authority to the SDOT Director to recommend amendments at term renewal. Amendments may only be made if consistent with [SMC 15.64.090](#) and are made via ordinance.

¹ A “public place” is defined as: “public right-of-way and the space above or beneath its surface, whether or not opened or improved, including streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, planting strips, squares, triangles, and plazas that are not privately owned.” ([SMC 16.02.046](#))

[SMC 15.64.090](#) provides the terms and conditions that may be included in a term permit ordinance. These include, but are not limited to:

- the term of years that permission is granted and renewal periods, if any;
- provision for regular inspection of and procedures for closure or removal of the skybridge;
- requirements for performance bonds, public liability insurance, indemnification, conformance with other laws, and annual fees;
- prohibition against assignment without City consent;
- a requirement for execution and recording of a covenant ensuring that obligations and conditions imposed on the permittee run with the land, where applicable;
- public benefit mitigation elements; and
- timely acceptance of permission.

Grange Insurance Skybridge

Grange Insurance Association is an insurance company in operation since 1894. Their corporate headquarters has been in the four-story office building at 200 Cedar Street in Belltown since 1981. A publicly-accessible plaza located on the southwest corner of the block is located south of the office building. On the northwest corner of the block is a two-and-a-half story parking garage. The skybridge connects the second story of the office building to the second story of the parking garage across an alley.

CB 120074 would amend Ordinance 123723, which granted approval to operate the skybridge between 2010 and 2020. Ordinance 123723 provided for up to two additional ten year terms, requiring renewal in 2020 and 2030 and requiring re-permitting in 2040. The proposed bill would extend approval to Grange Insurance to operate the tunnel for a new fifteen year term, starting in 2021. Permission to operate the tunnel could be renewed for an additional 15-year term running to 2051, after which time Grange Insurance would need to seek a new permit.

Next Steps

If the Transportation and Utilities Committee recommends approval of Council Bill 120074 at its May 19 meeting, it could be considered by the City Council as early as May 24.

cc: Dan Eder, Interim Director
Aly Pennucci, Policy and Budget Manager



Legislation Text

File #: CB 120061, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE granting permission to Northwest Kidney Center to continue to operate and maintain a pedestrian tunnel under and across Broadway, north of Cherry Street; repealing Section 8 of Ordinance 123367; and providing for acceptance of the permit and conditions.

WHEREAS, by Ordinance 123367, The City of Seattle granted Northwest Kidney Center permission to construct, maintain, and operate a pedestrian tunnel under and across Broadway, north of Cherry Street, for a ten-year term, renewable for two successive ten-year terms; and

WHEREAS, the permission authorized by Ordinance 123367, was due for renewal on December 1, 2018; and

WHEREAS, although the permission expired on December 1, 2018, Northwest Kidney Center has complied with all the conditions and obligations of Ordinance 123367; and

WHEREAS, Northwest Kidney Center submitted an application to the Director of Transportation to renew the permission granted by Ordinance 123367 for a new 15-year term; and

WHEREAS, the continuing obligations in Section 8 of Ordinance 123367 remain in effect after the ordinance term expires until the encroachment is removed, or Northwest Kidney Center is relieved of the obligations by the Seattle Department of Transportation Director, or the Seattle City Council passes a new ordinance to renew the permission granted; and

WHEREAS, Northwest Kidney Center satisfied all the terms of the original authorizing ordinance and the Director of Transportation recommends that the term permit be renewed for 15 years, subject to the terms identified in this ordinance; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. **Permission.** Subject to the terms and conditions of this ordinance, the City of Seattle (“City”) grants permission (also referred to in this ordinance as a permit) to Northwest Kidney Center, and its successors and assigns as approved by the Director of the Seattle Department of Transportation (“Director”) according to Section 14 of this ordinance (the party named above and each such approved successor and assign are referred to as “Permittee”), to continue maintaining and operating an existing pedestrian tunnel under and across Broadway, north of Cherry Street. The pedestrian tunnel is adjacent in whole or in part to the properties legally described as:

LOTS 8, 9 AND 12, IN BLOCK 144 PF A.A. DENNY’S BROADWAY ADDITION TO THE CITY OF SEATTLE, AS PER PLAT RECORDED IN VOLUME 6 OF PLATS, PAGE 40, RECORDS OF KING COUNTY, WASHINGTON. TOGETHER WITH THAT PORTION OF VACATED ALLEY ADJOINING, WHICH, UPON VACATION, ATTACHED TO SAID PROPERTY BY OPERATION OF LAW.

THE WEST 50 FEET OF LOTS, 7, 10 AND 11, IN BLOCK 144 OF A.A. DENNY’S BROADWAY ADDITION TO THE CITY OF SEATTLE, AS PER PLAT RECORDED IN VOLUME 6 OF PLATS, PAGE 40, RECORDS OF KING COUNTY, WASHINGTON. EXCEPTING THEREFROM THAT PORTION COVEYED TO THE CITY OF SEATTLE FOR STREET PURPOSES BY DEED RECORDED JULY 12, 1985 AS RECORDING NO. 8507120765.

Section 2. **Term.** The permission granted to the Permittee is for a renewed term of 15 years starting on the effective date of this ordinance, and ending at 11:59 p.m. on the last day of the fifteenth year. Upon written application made by the Permittee at least one year before the expiration of the first term, the Director or City Council may renew the permit once, for a successive 15-year term, subject to the right of the City to require the removal of the pedestrian tunnel or to revise by ordinance any of the terms and conditions of the permission granted by this ordinance. The total term of the permission, including renewals, shall not exceed 30 years.

Section 3. **Protection of utilities.** The permission granted is subject to the Permittee bearing the expense of any protection, support, or relocation of existing utilities deemed necessary by the owners of the utilities, and the Permittee being responsible for any damage to the utilities due to the construction, repair, reconstruction, maintenance, operation, or removal of the pedestrian tunnel and for any consequential damages that may result from any damage to utilities or interruption in service caused by any of the foregoing.

Section 4. **Removal for public use or for cause.** The permission granted is subject to use of the street right-of-way or other public place (collectively, “public place”) by the City and the public for travel, utility purposes, and other public uses or benefits. The City expressly reserves the right to deny renewal, or terminate the permission at any time prior to expiration of the initial term or any renewal term, and require the Permittee to remove the pedestrian tunnel, or any part thereof or installation on the public place, at the Permittee’s sole cost and expense in the event that:

- A. The City Council determines by ordinance that the space occupied by the pedestrian tunnel is necessary for any public use or benefit or that the pedestrian tunnel interferes with any public use or benefit; or
- B. The Director determines that use of the pedestrian tunnel has been abandoned; or
- C. The Director determines that any term or condition of this ordinance has been violated, and the violation has not been corrected by the Permittee by the compliance date after a written request by the City to correct the violation (unless a notice to correct is not required due to an immediate threat to the health or safety of the public).

A City Council determination that the space is needed for, or the pedestrian tunnel interferes with, a public use or benefit is conclusive and final without any right of the Permittee to resort to the courts to adjudicate the matter.

Section 5. **Permittee’s obligation to remove and restore.** If the permission granted is not renewed at the expiration of a term, or if the permission expires without an application for a new permission being granted, or if the City terminates the permission, then within 90 days after the expiration or termination of the permission, or prior to any earlier date stated in an ordinance or order requiring removal of the pedestrian tunnel, the Permittee shall, at its own expense, remove the pedestrian tunnel and all of the Permittee’s equipment and property from the public place and replace and restore all portions of the public place that may have been disturbed for any part of the pedestrian tunnel in as good condition for public use as existed prior to construction of the pedestrian tunnel and in at least as good condition in all respects as the abutting portions of

the public place as required by Seattle Department of Transportation (SDOT) right-of-way restoration standards.

Failure to remove the pedestrian tunnel as required by this section is a violation of Chapter 15.90 of the Seattle Municipal Code (SMC) or successor provision; however, applicability of Chapter 15.90 does not eliminate any remedies available to the City under this ordinance or any other authority. If the Permittee does not timely fulfill its obligations under this section, the City may in its sole discretion remove the pedestrian tunnel and restore the public place at the Permittee's expense, and collect such expense in any manner provided by law.

Upon the Permittee's completion of removal and restoration in accordance with this section, or upon the City's completion of the removal and restoration and the Permittee's payment to the City for the City's removal and restoration costs, the Director shall then issue a certification that the Permittee has fulfilled its removal and restoration obligations under this ordinance. Upon prior notice to the Permittee and entry of written findings that it is in the public interest, the Director may, in the Director's sole discretion, conditionally or absolutely excuse the Permittee from compliance with all or any of the Permittee's obligations under this section.

Section 6. **Repair or reconstruction.** The pedestrian tunnel shall remain the exclusive responsibility of the Permittee and the Permittee shall maintain the pedestrian tunnel in good and safe condition for the protection of the public. The Permittee shall not reconstruct or repair the pedestrian tunnel except in strict accordance with plans and specifications approved by the Director. The Director may, in the Director's judgment, order the pedestrian tunnel reconstructed or repaired at the Permittee's cost and expense because of: the deterioration of the pedestrian tunnel; the installation, construction, reconstruction, maintenance, operation, or repair of any municipally-owned public utilities; or for any other cause.

Section 7. **Failure to correct unsafe condition.** After written notice to the Permittee and failure of the Permittee to correct an unsafe condition within the time stated in the notice, the Director may order the pedestrian tunnel be removed at the Permittee's expense if the Director deems that the pedestrian tunnel creates

a risk of injury to the public. If there is an immediate threat to the health or safety of the public, a notice to correct is not required.

Section 8. **Continuing obligations.** Notwithstanding termination or expiration of the permission granted, or removal of the pedestrian tunnel, the Permittee shall remain bound by all of its obligations under this ordinance until the Director has issued a certification that the Permittee has fulfilled its removal and restoration obligations under Section 5 of this ordinance, or the Seattle City Council passes a new ordinance to renew the permission granted and/or establish a new term. Notwithstanding the issuance of that certification, the Permittee shall continue to be bound by the obligations in Section 9 of this ordinance and shall remain liable for any unpaid fees assessed under Section 15 and Section 17 of this ordinance.

Section 9. **Release, hold harmless, indemnification, and duty to defend.** The Permittee, by accepting the terms of this ordinance, releases the City, its officials, officers, employees, and agents from any and all claims, actions, suits, liability, loss, costs, expense, attorneys' fees, or damages of every kind and description arising out of or by reason of the pedestrian tunnel or this ordinance, including but not limited to claims resulting from injury, damage, or loss to the Permittee or the Permittee's property.

The Permittee agrees to at all times defend, indemnify, and hold harmless the City, its officials, officers, employees, and agents from and against all claims, actions, suits, liability, loss, costs, expense, attorneys' fees, or damages of every kind and description, excepting only damages that may result from the sole negligence of the City, that may accrue to, be asserted by, or be suffered by any person or property including, without limitation, damage, death or injury to members of the public or to the Permittee's officers, agents, employees, contractors, invitees, tenants, tenants' invitees, licensees, or successors and assigns, arising out of or by reason of:

A. The existence, condition, construction, reconstruction, modification, maintenance, operation, use, or removal of the pedestrian tunnel;

B. Anything that has been done or may at any time be done by the Permittee by reason of this

ordinance; or

C. The Permittee failing or refusing to strictly comply with every provision of this ordinance; or arising out of or by reason of the pedestrian tunnel or this ordinance in any other way.

If any suit, action, or claim of the nature described above is filed, instituted, or begun against the City, the Permittee shall upon notice from the City defend the City, with counsel acceptable to the City, at the sole cost and expense of the Permittee, and if a judgment is rendered against the City in any suit or action, the Permittee shall fully satisfy the judgment within 90 days after the action or suit has been finally determined, if determined adversely to the City. If it is determined by a court of competent jurisdiction that Revised Code of Washington (RCW) 4.24.115 applies to this ordinance, then in the event claims or damages are caused by or result from the concurrent negligence of the City, its agents, contractors, or employees, and the Permittee, its agents, contractors, or employees, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Permittee or the Permittee's agents, contractors, or employees.

Section 10. **Insurance.** For as long as the Permittee exercises any permission granted by this ordinance and until the Director has issued a certification that the Permittee has fulfilled its removal and restoration obligations under Section 5 of this ordinance, the Permittee shall obtain and maintain in full force and effect, at its own expense, insurance and/or self-insurance that protects the Permittee and the City from claims and risks of loss from perils that can be insured against under commercial general liability (CGL) insurance policies in conjunction with:

A. Construction, reconstruction, modification, operation, maintenance, use, existence, or removal of the pedestrian tunnel, as well as restoration of any disturbed areas of the public place in connection with removal of the pedestrian tunnel;

B. The Permittee's activity upon or the use or occupation of the public place described in Section 1 of this ordinance; and

C. Claims and risks in connection with activities performed by the Permittee by virtue of the permission

granted by this ordinance.

Minimum insurance requirements are CGL insurance written on an occurrence form at least as broad as the Insurance Services Office (ISO) CG 00 01. The City requires insurance coverage to be placed with an insurer admitted and licensed to conduct business in Washington State or with a surplus lines carrier pursuant to chapter 48.15 RCW. If coverage is placed with any other insurer or is partially or wholly self-insured, such insurer(s) or self-insurance is subject to approval by the City's Risk Manager.

Minimum limits of liability shall be \$5,000,000 per Occurrence; \$10,000,000 General Aggregate; \$5,000,000 Products/Completed Operations Aggregate, including Premises Operations; Personal/Advertising Injury; Contractual Liability. Coverage shall include the "City of Seattle, its officers, officials, employees and agents" as additional insureds for primary and non-contributory limits of liability subject to a Separation of Insureds clause.

Within 60 days after the effective date of this ordinance, the Permittee shall provide to the City, or cause to be provided, certification of insurance coverage including an actual copy of the blanket or designated additional insured policy provision per the ISO CG 20 12 endorsement or equivalent. The insurance coverage certification shall be delivered or sent to the Director or to SDOT at an address as the Director may specify in writing from time to time. The Permittee shall provide a certified complete copy of the insurance policy to the City promptly upon request.

If the Permittee is self-insured, a letter of certification from the Corporate Risk Manager may be submitted in lieu of the insurance coverage certification required by this ordinance, if approved in writing by the City's Risk Manager. The letter of certification must provide all information required by the City's Risk Manager and document, to the satisfaction of the City's Risk Manager, that self-insurance equivalent to the insurance requirements of this ordinance is in force. After a self-insurance certification is approved, the City may from time to time subsequently require updated or additional information. The approved self-insured Permittee must provide 30 days' prior notice of any cancellation or material adverse financial condition of its

self-insurance program. The City may at any time revoke approval of self-insurance and require the Permittee to obtain and maintain insurance as specified in this ordinance.

In the event that the Permittee assigns or transfers the permission granted by this ordinance, the Permittee shall maintain in effect the insurance required under this section until the Director has approved the assignment or transfer pursuant to Section 14 of this ordinance.

Section 11. **Contractor insurance.** The Permittee shall contractually require that any and all of its contractors performing work on any premises contemplated by this permit name the “City of Seattle, its officers, officials, employees and agents” as additional insureds for primary and non-contributory limits of liability on all CGL, Automobile and Pollution liability insurance and/or self-insurance. The Permittee shall also include in all contract documents with its contractors a third-party beneficiary provision extending to the City construction indemnities and warranties granted to the Permittee.

Section 12. **Performance bond.** Within 60 days after the effective date of this ordinance, the Permittee shall deliver to the Director for filing with the City Clerk a sufficient bond executed by a surety company authorized and qualified to do business in the State of Washington that is: in the amount of \$75,000, and conditioned with a requirement that the Permittee shall comply with every provision of this ordinance and with every order the Director issues under this ordinance. The Permittee shall ensure that the bond remains in effect until the Director has issued a certification that the Permittee has fulfilled its removal and restoration obligations under Section 5 of this ordinance. An irrevocable letter of credit approved by the Director in consultation with the City Attorney’s Office may be substituted for the bond. In the event that the Permittee assigns or transfers the permission granted by this ordinance, the Permittee shall maintain in effect the bond or letter of credit required under this section until the Director has approved the assignment or transfer pursuant to Section 14 of this ordinance.

Section 13. **Adjustment of insurance and bond requirements.** The Director may adjust minimum liability insurance levels and surety bond requirements during the term of this permission. If the Director

determines that an adjustment is necessary to fully protect the interests of the City, the Director shall notify the Permittee of the new requirements in writing. The Permittee shall, within 60 days of the date of the notice, provide proof of the adjusted insurance and surety bond levels to the Director.

Section 14. **Consent for and conditions of assignment or transfer.** When the Property is transferred, the permission granted by this ordinance shall be assignable and transferable by operation of law pursuant to Section 20 of this ordinance. Continued occupation of the right-of-way constitutes the Permittee's acceptance of the terms of this ordinance, and the new owner shall be conferred with the rights and obligations of Permittee by this ordinance. Other than a transfer to a new owner of the Property, Permittee shall not transfer, assign, mortgage, pledge or encumber the same without the Director's consent, which the Director shall not unreasonably refuse. The Director may approve assignment or transfer of the permission granted by this ordinance to a successor entity only if the successor or assignee has provided, at the time of the assignment or transfer, the bond and certification of insurance coverage required under this ordinance; and has paid any fees due under Section 15 and Section 17 of this ordinance. Upon the Director's approval of an assignment or transfer, the rights and obligations conferred on the Permittee by this ordinance shall be conferred on the successors and assigns. Any person or entity seeking approval for an assignment or transfer of the permission granted by this ordinance shall provide the Director with a description of the current and anticipated use of the pedestrian tunnel.

Section 15. **Inspection fees.** The Permittee shall, as provided by SMC Chapter 15.76 or successor provision, pay the City the amounts charged by the City to inspect the pedestrian tunnel during construction, reconstruction, repair, annual safety inspections, and at other times deemed necessary by the City. An inspection or approval of the pedestrian tunnel by the City shall not be construed as a representation, warranty, or assurance to the Permittee or any other person as to the safety, soundness, or condition of the pedestrian tunnel. Any failure by the City to require correction of any defect or condition shall not in any way limit the responsibility or liability of the Permittee.

Section 16. **Inspection reports.** The Permittee shall submit to the Director, or to SDOT at an address specified by the Director, an inspection report that:

- A. Describes the physical dimensions and condition of all load-bearing elements;
- B. Describes any damages or possible repairs to any element of the pedestrian tunnel;
- C. Prioritizes all repairs and establishes a timeframe for making repairs; and
- D. Is stamped by a professional structural engineer licensed in the State of Washington.

A report meeting the foregoing requirements shall be submitted within 60 days after the effective date of the ordinance; subsequent reports shall be submitted every two years, provided that, in the event of a natural disaster or other event that may have damaged the pedestrian tunnel, the Director may require that additional reports be submitted by a date established by the Director. The Permittee has the duty of inspecting and maintaining the pedestrian tunnel. The responsibility to submit structural inspection reports periodically or as required by the Director does not waive or alter any of the Permittee's other obligations under this ordinance. The receipt of any reports by the Director shall not create any duties on the part of the Director. Any failure by the Director to require a report, or to require action after receipt of any report, shall not waive or limit the obligations of the Permittee.

Section 17. **Annual fee.** Beginning on the effective date of this ordinance the Permittee shall pay an Issuance Fee, and annually thereafter, the Permittee shall promptly pay to the City, upon statements or invoices issued by the Director, an Annual Renewal Fee, and an Annual Use and Occupation fee of \$8,720, or as adjusted annually thereafter, for the privileges granted by this ordinance.

Adjustments to the Annual Use and Occupation Fee shall be made in accordance with a term permit fee schedule adopted by the City Council and may be made every year. In the absence of a schedule, the Director may only increase or decrease the previous year's fee to reflect any inflationary changes so as to charge the fee in constant dollar terms. This adjustment will be calculated by adjusting the previous year's fee by the percentage change between the two most recent year-end values available for the Consumer Price Index for the

Seattle-Tacoma-Bellevue Area, All Urban Consumers, All Products, Not Seasonally Adjusted. Permittee shall pay any other applicable fees, including fees for reviewing applications to renew the permit after expiration of the first term. All payments shall be made to the City Finance Director for credit to the Transportation Fund.

Section 18. **Compliance with other laws.** Permittee shall construct, maintain, and operate the pedestrian tunnel in compliance with all applicable federal, state, County, and City laws and regulations. Without limitation, in all matters pertaining to the pedestrian tunnel, the Permittee shall comply with the City's laws prohibiting discrimination in employment and contracting including Seattle's Fair Employment Practices Ordinance, Chapter 14.04, and Fair Contracting Practices code, Chapter 14.10 (or successor provisions).

Section 19. **Acceptance of terms and conditions. Acceptance of terms and conditions.** The Permittee shall provide evidence of insurance coverage required by Section 10 of this ordinance, the bond as required by Section 12 of this ordinance, and the covenant agreement required by Section 20 of this ordinance within 60 days after the effective date of this ordinance. Continued occupation of the right-of-way constitutes the Permittee's acceptance of the terms of this ordinance.

Section 20. **Obligations run with the Property.** The obligations and conditions imposed on the Permittee by and through this ordinance are covenants that run with the land and bind subsequent owners of the property adjacent to the pedestrian tunnel and legally described in Section 1 of this ordinance (the "Property"), regardless of whether the Director has approved assignment or transfer of the permission granted herein to such subsequent owner(s). At the request of the Director, Permittee shall provide to the Director a current title report showing the identity of all owner(s) of the Property and all encumbrances on the Property. The Permittee shall, within 60 days of the effective date of this ordinance, and prior to conveying any interest in the Property, deliver to the Director upon a form to be supplied by the Director, a covenant agreement imposing the obligations and conditions set forth in this ordinance, signed and acknowledged by the Permittee and any other owner(s) of the Property and recorded with the King County Recorder's Office. The Director shall file the recorded covenant agreement with the City Clerk. The covenant agreement shall reference this ordinance by its

ordinance number. At the request of the Director, Permittee shall cause encumbrances on the Property to be subordinated to the covenant agreement.

Section 21. **Repealing Section 8 of Ordinance 123367.** Section 8 of Ordinance 123367 is repealed:

~~((Section 8. Continuing obligation to remove and restore. Notwithstanding termination or expiration of the permission granted, or closure or removal of the tunnel, the Permittee shall remain bound by its obligation under this ordinance until:~~

~~(a) the pedestrian tunnel and all its equipment and property are removed from the street right-of-way;~~

~~(b) the area is cleared and restored in a manner and to a condition satisfactory to the Director; and~~

~~(c) the Director certifies that the Permittee has discharged its obligations under this ordinance.~~

~~Upon prior notice to the Permittee and entry of written findings that it is in the public interest, the Director may, in the Director's sole discretion, conditionally or absolutely excuse the Permittee from compliance with all or any of the Permittee's obligations to remove the tunnel and its property and to restore any disturbed areas.))~~

Section 22. **Section titles.** Section titles are for convenient reference only and do not modify or limit the text of a section.

Section 23. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2021, and signed by me in open session in authentication of its passage this _____ day of _____, 2021.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2021.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2021.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Seattle Department of Transportation	Amy Gray/206-386-4638	Christie Parker/206-684-5211

1. BILL SUMMARY

Legislation Title: AN ORDINANCE granting permission to Northwest Kidney Center to continue to operate and maintain a pedestrian tunnel under and across Broadway, north of Cherry Street; repealing Section 8 of Ordinance 123367; and providing for acceptance of the permit and conditions.

Summary and background of the Legislation:

This legislation would allow Northwest Kidney Center to continue maintaining and operating a pedestrian tunnel under and across Broadway, north of Cherry Street. The pedestrian tunnel permit would be for a period of 15 years, commencing on the effective date of the ordinance. The permit may be extended for one successive 15-year term. The legislation specifies the conditions under which permission is granted and repeals the continuing obligations in Section 8 of Ordinance 123367.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes X No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? X Yes ___ No

Appropriation change (\$):	General Fund \$		Other \$	
	2021	2022	2021	2022
Estimated revenue change (\$):	Revenue to General Fund		Revenue to Other Funds	
	2021	2022	2021	2022
			Annual Fee: \$8720	TBD
Positions affected:	No. of Positions		Total FTE Change	
	2021	2022	2021	2022

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?
 No.

Is there financial cost or other impacts of *not* implementing the legislation?

If the legislation is not enacted by City Council, the City of Seattle would not receive the 2021 Annual Fee of \$8720.

3.a. Appropriations

This legislation adds, changes, or deletes appropriations.

3.b. Revenues/Reimbursements

This legislation adds, changes, or deletes revenues or reimbursements.

Anticipated Revenue/Reimbursement Resulting from this Legislation:

Fund Name and Number	Dept	Revenue Source	2021 Revenue	2022 Estimated Revenue
Transportation Fund (13000)	SDOT	Annual Fee	\$8720	TBD
TOTAL			\$8720	

Is this change one-time or ongoing?

Ongoing

Revenue/Reimbursement Notes:

The 2021 fee is based on the 2021 land value as assessed by King County.

3.c. Positions

This legislation adds, changes, or deletes positions.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

No.

b. Is a public hearing required for this legislation?

No.

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No.

d. Does this legislation affect a piece of property?

Yes, the Northwest Kidney Center property legally described in Section 1 of the Council Bill.

- e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

This legislation does not have any implications for the principles of the Race and Social Justice Initiative and does not impact vulnerable or historically disadvantaged communities.

f. Climate Change Implications

- 1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

No.

- 2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

No.

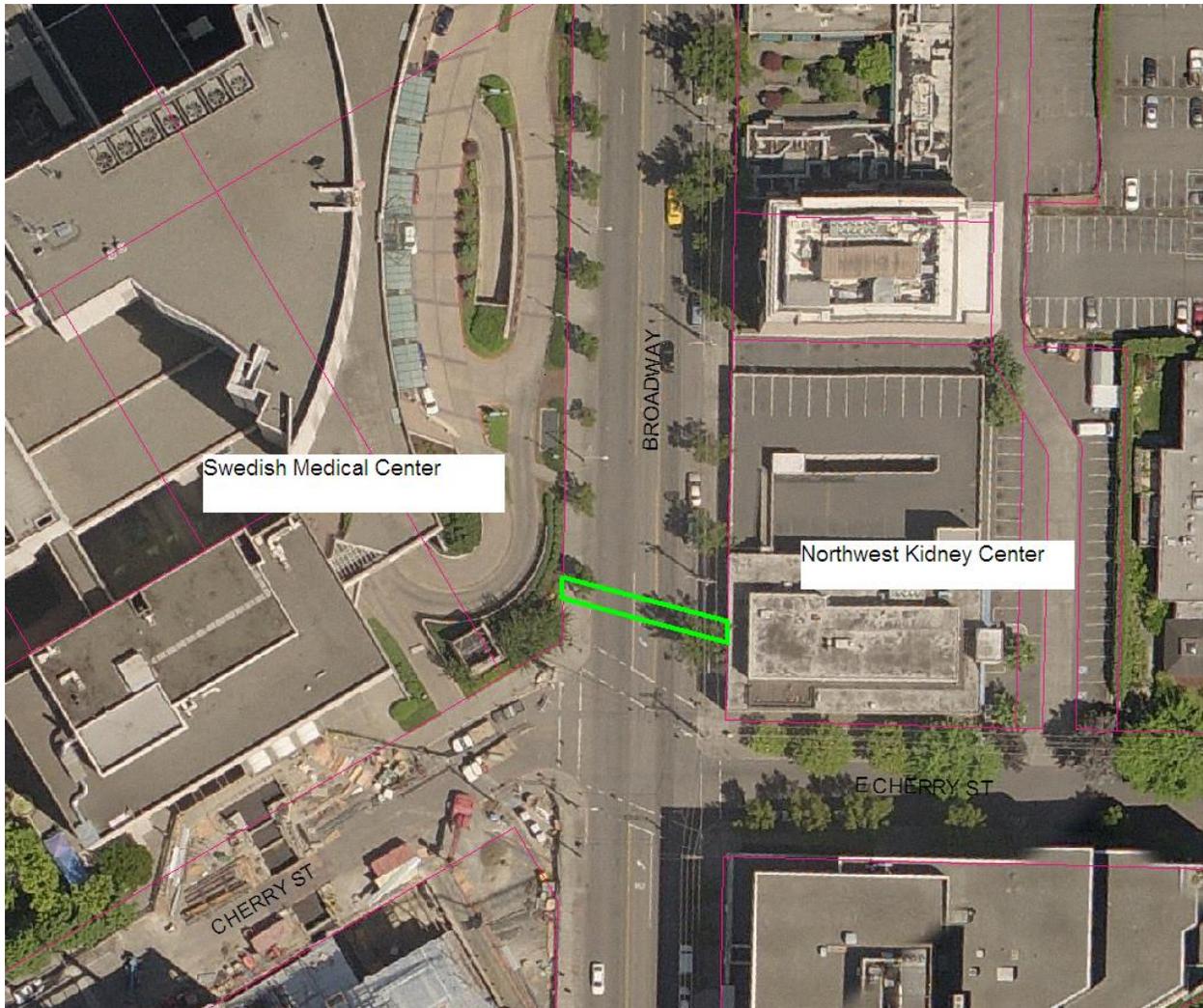
- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).**

N/A

List attachments/exhibits below:

Summary Attachment A – Northwest Kidney Center Tunnel Area Map
Summary Attachment B – Street Use Annual Fee Assessment

Attachment A – NW Kidney Center Tunnel Area Map



Map is for informational purposes only and is not intended to modify or supplement the legal description(s) in the Ordinance.

Attachment B - Annual Fee Assessment Summary

STREET USE ANNUAL FEE ASSESSMENT

Date: 12/10/2020

<p><u>Summary:</u> Land Value: \$545/SF 2021 Permit Fee: \$8,720</p>

I. Property Description:

Existing pedestrian tunnel under and across Broadway, north of Cherry St. The tunnel provides a below-grade pedestrian connection between Northwest Kidney Center and Swedish Medical Center. The tunnel area is **800 square feet**.

Applicant:

Northwest Kidney Center

Abutting Parcels, Property Size, Assessed Value:

2021

Parcel 1978201435; Lot size: 25,788 square feet
Tax year 2021 Appraised Land Value \$13,280,800 (\$515/square foot)

Parcel 1978201096; Lot size: 31,953 square feet
Tax year 2021 Appraised Land Value \$18,372,900 (\$575/square foot)

Average 2021 Tax Assessed Land Value: \$545/SF

II. Annual Fee Assessment:

The 2021 permit fee is calculated as follows:

Tunnel:

$(\$545/\text{SF}) \times (800 \text{ SF}) \times (25\%) \times (8\%) = \boxed{\$8720}$ where 25% is the degree of alienation for a tunnel and 8% is the annual rate of return.

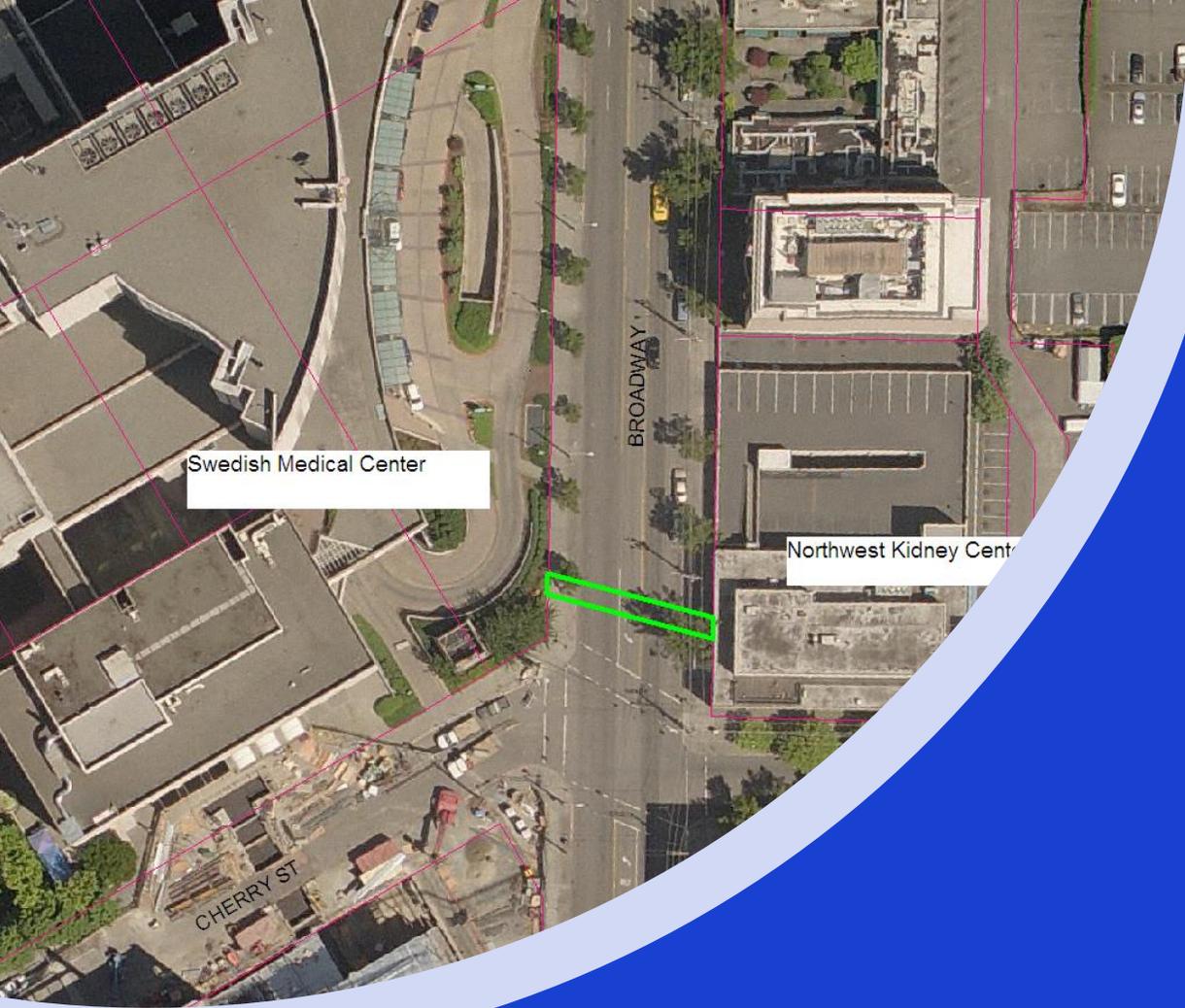
Fee methodology authorized under Ordinance 123485, as amended by Ordinances 123585, 123907, and 124532.



Northwest Kidney Center Pedestrian Tunnel
Council Transportation and Utilities Committee

Live. Learn. Hope.

 NORTHWEST
Kidney Centers
700 Broadway



Presentation overview

- NW Kidney Center is seeking to renew a permit for an existing pedestrian tunnel under Broadway, north of Cherry St
- The pedestrian tunnel provides a connection for staff, visitors, and patients between 700 Broadway and Swedish Medical Center
- SDOT recommends approval of the term permit renewal

Term permit process - permit renewals

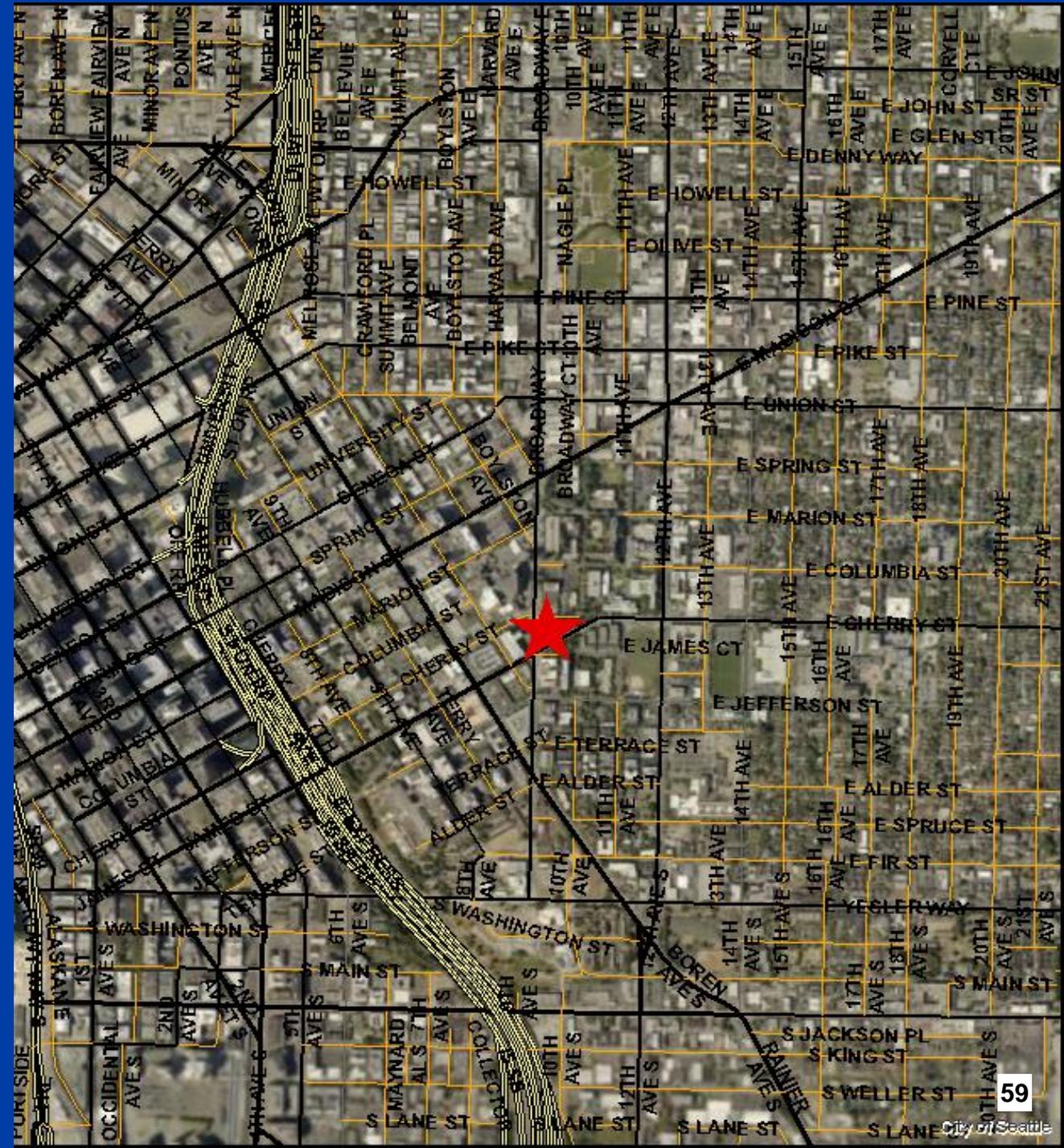
Ordinance

Passage of the ordinance renews the permit and details the terms and conditions of the permit, including annual fee, maintenance obligations, indemnification, insurance, and bond requirements.

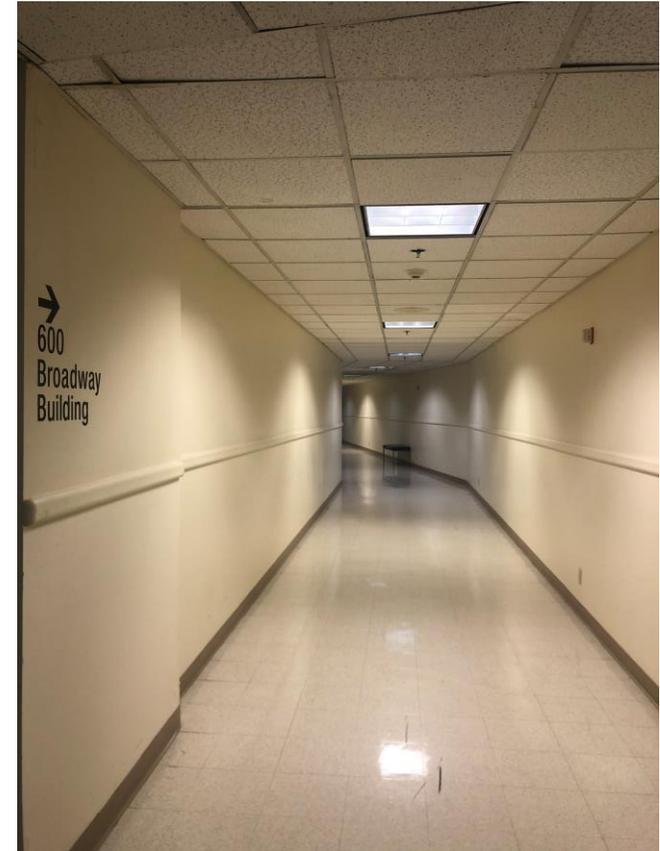
Project neighborhood - Capitol Hill

700 Broadway

Department of Transportation
page 5



Proposal: NW Kidney Center pedestrian tunnel



Requested action

- SDOT is seeking Council approval to renew the permit for the existing pedestrian tunnel under Broadway, north of Cherry St

- If the ordinance is approved, this permit will be renewed through 2036 and may be extended for an additional 15 years

Questions?

amy.gray@seattle.gov | (206) 386-4638

www.seattle.gov/transportation



May 14, 2021

MEMORANDUM

To: Transportation and Utilities Committee
From: Lish Whitson, Analyst
Subject: Council Bill 120061 – Northwest Kidney Center Tunnel Term Permit

On May 5, 2021, the Transportation and Utilities Committee will discuss and possibly vote on [Council Bill \(CB\) 120061](#), which would renew and extend approval to the Northwest Kidney Center to maintain a tunnel under Broadway, north of Cherry Street. The tunnel connects the Northwest Kidney Center’s facility at the northeast corner of Broadway and Cherry Street to Swedish Medical Center, on the west side of Broadway. The legislation would provide a new fifteen year term for the term permit, which could be extended once.

The Seattle Department of Transportation (SDOT) is proposing that the terms of significant structure term permits and skybridge permits be extended. Instead of a ten-year term renewable twice for a maximum term of 30 years before a new permit is required, SDOT proposes to move to a 15-year term, renewable for one additional 15-year term. This shift responds to the volume of term permits, the amount of work required to process a permit renewal, and the rarity of significant changes to approvals during term permit renewals. As a result of this shift, this bill would extend the maximum term of the permit by 11 years, to 2051.

Permission to build and use the tunnel was first granted through [Ordinance 107876](#), in 1978. In 2010, [Ordinance 123367](#) regranted that approval for ten years, eligible to be renewed for two additional ten-year terms. CB 120061 would amend Ordinance 123367 to allow the approval to run for a new 15-year term, which could be renewed for one additional 15 year term.

Significant Structure Term Permit Renewals

Significant structures are structures that have “a long-anticipated duration of encroachment, impede the City’s or public’s flexibility in the use of the public place, or are necessary for the functioning of other property of the permittee.” Examples include tunnels below streets that provide utility, pedestrian, or vehicular access between private properties; public art placed in right-of-way; and overhead structures attached to buildings. [Seattle Municipal Code \(SMC\) Chapter 15.65](#) establishes the procedures and criteria for approval of and renewal of term permits for significant structures.

[SMC 15.65.073](#) states:

If the Director of Transportation determines at term renewal that the authorizing ordinance requires an amendment, the Director shall provide a recommendation to City Council as to whether an application for a significant structure term permit renewal should be granted or denied with the appropriate terms and conditions, and the Council shall decide on the

renewal and establish the terms and conditions of that renewal consistent with [Section 15.65.080](#). Approval of an amended term renewal for a significant structure term permit shall be granted only by ordinance.

Section 15.65.080 provides the terms and conditions that may be included in a term permit ordinance. These include, but are not limited to:

- the term of years that permission is granted and renewal periods, if any;
- provision for regular inspection of and procedures for closure or removal of the structure;
- requirements for performance bonds, public liability insurance, indemnification, conformance with other laws, and annual fees;
- prohibition against assignment without City consent;
- a requirement for execution and recording of a covenant ensuring that obligations and conditions imposed on the permittee run with the land, where applicable;
- public benefit mitigation elements; and
- timely acceptance of permission.

Northwest Kidney Center Tunnel

The Northwest Kidney Center is a nonprofit kidney care and research organization, with locations throughout the central Puget Sound. Haviland Pavilion, located at the northeast corner of Broadway and Cherry Street, includes a dialysis center, a museum on the history of dialysis, a research facility, pharmacy and administrative offices. Since 1978, a tunnel has connected this facility to Swedish Hospital's main campus on the west side of Broadway.

CB 120061 would amend Ordinance 123367, which granted approval to operate the tunnel between 2008 and 2018. Ordinance 123367 provided for up to two additional ten-year terms, requiring renewal in 2018 and 2028 and requiring re-permitting in 2038. CB 120061 would extend approval to Northwest Kidney Centers to operate the tunnel for a new 15-year term, starting in 2021. Permission to operate the tunnel could be renewed for an additional 15-year term running to 2051, after which time the Northwest Kidney Center would need to seek a new permit.

Next Steps

If the Transportation and Utilities Committee recommends approval of CB 120061 at its May 19 meeting, it could be considered by the City Council as early as May 24.

cc: Dan Eder, Interim Director
Aly Pennucci, Policy and Budget Manager



Legislation Text

File #: CB 120075, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE granting BGO Plaza 600 JV LLC permission to continue maintaining and operating a vehicular and pedestrian tunnel under the alley between 6th Avenue and 7th Avenue, north of Stewart Street; repealing Section 7 of Ordinance 119508; and providing for acceptance of the permit and conditions.

WHEREAS, by Ordinance 97096, The City of Seattle granted The Vance Corporation permission to construct, maintain, and operate a vehicular and pedestrian tunnel in the alley between 6th Avenue and 7th Avenue, north of Stewart Street; and

WHEREAS, the permission for the vehicular and pedestrian tunnel was transferred to Plaza 600 Building L.L.C; and Plaza 600 Building L.L.C. transferred that ownership to Plaza 600 LLC; and Plaza 600 LLC subsequently transferred that ownership to BGO Plaza 600 JV LLC; and

WHEREAS, Ordinance 97096 expired, and Ordinance 119508 extended the permission for ten years, with two renewable ten-year terms; and

WHEREAS, Ordinance 119508 was amended by Ordinance 123510 and renewed for one ten-year term; and

WHEREAS, the permission authorized by Ordinance 119508 and Ordinance 123510 was due for renewal on November 1, 2018; and

WHEREAS, BGO Plaza 600 JV LLC submitted an application to the Director of Transportation to renew the permission granted by Ordinance 119508 and Ordinance 123510 for a 15-year term; and

WHEREAS, the obligations of Ordinance 119508 and Ordinance 123510 remain in effect after the ordinance term expires until the encroachment is removed, or BGO Plaza 600 JV LLC is relieved of the

obligations by the Seattle Department of Transportation Director, or the Seattle City Council passes a new ordinance to renew the permission granted; and

WHEREAS, BGO Plaza 600 JV LLC satisfied all the terms of the original authorizing ordinance and the Director of Transportation recommends that the term permit be renewed for 15 years subject to the terms identified in this ordinance; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. **Permission.** Subject to the terms and conditions of this ordinance, the City of Seattle (“City”) grants permission (also referred to in this ordinance as a permit) to BGO Plaza 600 JV LLC, and its successors and assigns as approved by the Director of the Seattle Department of Transportation (“Director”) according to Section 14 of this ordinance (the party named above and each such approved successor and assign are referred to as “Permittee”), to continue maintaining and operating an existing vehicular and pedestrian tunnel in the alley between 6th Avenue and 7th Avenue, north of Stewart Street. The vehicular and pedestrian tunnel is adjacent in whole or in part to the properties legally described as:

ALL OF LOT 1 AND THOSE PORTIONS OF LOTS 2,3,4 AND 5, BLOCK 11, ADDITION TO THE CITY OF SEATTLE, AS LAID OFF BY THE HEIRS OF SARAH A. BELL, DECEASED (COMMONLY KNOWN AS THE HEIRS OF SARAH A. BELL’S ADDITION TO THE CITY OF SEATTLE), ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 103, RECORDS OF KING COUNTY, WASHINGTON, LYING EAST OF WESTLAKE AVENUE, AS SAID AVENUE WAS ESTABLISHED BY CONDEMNATION UNDER KING COUNTY SUPERIOR COURT CAUSE NO. 36118;

EXCEPT THE SOUTHEASTERLY 7 FEET OF LOT 1, HERETOFORE CONDEMNED BY THE CITY OF SEATTLE FOR WIDENING STEWART STREET IN KING COUNTY SUPERIOR COURT CAUSE NO. 58338

SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.

Section 2. **Term.** The permission granted to the Permittee is for a second and final renewed term of 15 years starting on the effective date of this ordinance, and ending at 11:59 p.m. on the last day of the fifteenth year.

Upon written application made by the Permittee at least one year before the expiration of the first term,

the Director or City Council may renew the permit once, for a successive fifteen-year term, subject to the right of the City to require the removal of the vehicular and pedestrian tunnel or to revise by ordinance any of the terms and conditions of the permission granted by this ordinance. The total term of the permission, including renewals, shall not exceed 30 years.

Section 3. **Protection of utilities.** The permission granted is subject to the Permittee bearing the expense of any protection, support, or relocation of existing utilities deemed necessary by the owners of the utilities, and the Permittee being responsible for any damage to the utilities due to the construction, repair, reconstruction, maintenance, operation, or removal of the vehicular and pedestrian tunnel and for any consequential damages that may result from any damage to utilities or interruption in service caused by any of the foregoing.

Section 4. **Removal for public use or for cause.** The permission granted is subject to use of the street right-of-way or other public place (collectively, “public place”) by the City and the public for travel, utility purposes, and other public uses or benefits. The City expressly reserves the right to deny renewal, or terminate the permission at any time prior to expiration of the initial term or any renewal term, and require the Permittee to remove the vehicular and pedestrian tunnel, or any part thereof or installation on the public place, at the Permittee’s sole cost and expense if:

A. The City Council determines by ordinance that the space occupied by the vehicular and pedestrian tunnel is necessary for any public use or benefit or that the vehicular and pedestrian tunnel interferes with any public use or benefit; or

B. The Director determines that use of the vehicular and pedestrian tunnel has been abandoned; or

C. The Director determines that any term or condition of this ordinance has been violated, and the violation has not been corrected by the Permittee by the compliance date after a written request by the City to correct the violation (unless a notice to correct is not required due to an immediate threat to the health or safety of the public).

A City Council determination that the space is needed for, or the vehicular and pedestrian tunnel interferes with, a public use or benefit is conclusive and final without any right of the Permittee to resort to the courts to adjudicate the matter.

Section 5. **Permittee's obligation to remove and restore.** If the permission granted is not renewed at the expiration of a term, or if the permission expires without an application for a new permission being granted, or if the City terminates the permission, then within 90 days after the expiration or termination of the permission, or prior to any earlier date stated in an ordinance or order requiring removal of the vehicular and pedestrian tunnel, the Permittee shall, at its own expense, remove the vehicular and pedestrian tunnel and all of the Permittee's equipment and property from the public place and replace and restore all portions of the public place that may have been disturbed for any part of the vehicular and pedestrian tunnel in as good condition for public use as existed prior to construction of the vehicular and pedestrian tunnel and in at least as good condition in all respects as the abutting portions of the public place as required by Seattle Department of Transportation (SDOT) right-of-way restoration standards.

Failure to remove the vehicular and pedestrian tunnel as required by this section is a violation of Chapter 15.90 of the Seattle Municipal Code (SMC) or successor provision; however, applicability of Chapter 15.90 does not eliminate any remedies available to the City under this ordinance or any other authority. If the Permittee does not timely fulfill its obligations under this section, the City may in its sole discretion remove the vehicular and pedestrian tunnel and restore the public place at the Permittee's expense and collect such expense in any manner provided by law.

Upon the Permittee's completion of removal and restoration in accordance with this section, or upon the City's completion of the removal and restoration and the Permittee's payment to the City for the City's removal and restoration costs, the Director shall then issue a certification that the Permittee has fulfilled its removal and restoration obligations under this ordinance. Upon prior notice to the Permittee and entry of written findings that it is in the public interest, the Director may, in the Director's sole discretion, conditionally or absolutely

excuse the Permittee from compliance with all or any of the Permittee's obligations under this section.

Section 6. **Repair or reconstruction.** The vehicular and pedestrian tunnel shall remain the exclusive responsibility of the Permittee and the Permittee shall maintain the vehicular and pedestrian tunnel in good and safe condition for the protection of the public. The Permittee shall not reconstruct or repair the vehicular and pedestrian tunnel except in strict accordance with plans and specifications approved by the Director. The Director may, in the Director's judgment, order the vehicular and pedestrian tunnel reconstructed or repaired at the Permittee's cost and expense: because of the deterioration of the vehicular and pedestrian tunnel vehicular and pedestrian tunnel; because of the installation, construction, reconstruction, maintenance, operation, or repair of any municipally-owned public utilities; or for any other cause.

Section 7. **Failure to correct unsafe condition.** After written notice to the Permittee and failure of the Permittee to correct an unsafe condition within the time stated in the notice, the Director may order the vehicular and pedestrian tunnel be removed at the Permittee's expense if the Director deems that the vehicular and pedestrian tunnel creates a risk of injury to the public. If there is an immediate threat to the health or safety of the public, a notice to correct is not required.

Section 8. **Continuing obligations.** Notwithstanding termination or expiration of the permission granted, or removal of the vehicular and pedestrian tunnel, the Permittee shall remain bound by all of its obligations under this ordinance until the Director has issued a certification that the Permittee has fulfilled its removal and restoration obligations under Section 5 of this ordinance, or the Seattle City Council passes a new ordinance to renew the permission granted and/or establish a new term. Notwithstanding the issuance of that certification, the Permittee shall continue to be bound by the obligations in Section 9 of this ordinance and shall remain liable for any unpaid fees assessed under Section 15 and Section 17 of this ordinance.

Section 9. **Release, hold harmless, indemnification, and duty to defend.** The Permittee, by accepting the terms of this ordinance, releases the City, its officials, officers, employees, and agents from any and all claims, actions, suits, liability, loss, costs, expense, attorneys' fees, or damages of every kind and description

arising out of or by reason of the vehicular and pedestrian tunnel or this ordinance, including but not limited to claims resulting from injury, damage, or loss to the Permittee or the Permittee's property.

The Permittee agrees to at all times defend, indemnify, and hold harmless the City, its officials, officers, employees, and agents from and against all claims, actions, suits, liability, loss, costs, expense, attorneys' fees, or damages of every kind and description, excepting only damages that may result from the sole negligence of the City, that may accrue to, be asserted by, or be suffered by any person or property including, without limitation, damage, death or injury to members of the public or to the Permittee's officers, agents, employees, contractors, invitees, tenants, tenants' invitees, licensees, or successors and assigns, arising out of or by reason of:

A. The existence, condition, construction, reconstruction, modification, maintenance, operation, use, or removal of the vehicular and pedestrian tunnel, or any portion thereof, or the use, occupation, or restoration of the public place or any portion thereof by the Permittee or any other person or entity;

B. Anything that has been done or may at any time be done by the Permittee by reason of this ordinance; or

C. The Permittee failing or refusing to strictly comply with every provision of this ordinance; or arising out of or by reason of the vehicular and pedestrian tunnel or this ordinance in any other way.

If any suit, action, or claim of the nature described above is filed, instituted, or begun against the City, the Permittee shall upon notice from the City defend the City, with counsel acceptable to the City, at the sole cost and expense of the Permittee, and if a judgment is rendered against the City in any suit or action, the Permittee shall fully satisfy the judgment within 90 days after the action or suit has been finally determined, if determined adversely to the City. If it is determined by a court of competent jurisdiction that Revised Code of Washington (RCW) 4.24.115 applies to this ordinance, then in the event claims or damages are caused by or result from the concurrent negligence of the City, its agents, contractors, or employees, and the Permittee, its agents, contractors, or employees, this indemnity provision shall be valid and enforceable only to the extent of

the negligence of the Permittee or the Permittee's agents, contractors, or employees.

Section 10. **Insurance.** For as long as the Permittee exercises any permission granted by this ordinance and until the Director has issued a certification that the Permittee has fulfilled its removal and restoration obligations under Section 5 of this ordinance, the Permittee shall obtain and maintain in full force and effect, at its own expense, insurance and/or self-insurance that protects the Permittee and the City from claims and risks of loss from perils that can be insured against under commercial general liability (CGL) insurance policies in conjunction with:

A. Construction, reconstruction, modification, operation, maintenance, use, existence, or removal of the vehicular and pedestrian tunnel, or any portion thereof, as well as restoration of any disturbed areas of the public place in connection with removal of the vehicular and pedestrian tunnel;

B. The Permittee's activity upon or the use or occupation of the public place described in Section 1 of this ordinance; and

C. Claims and risks in connection with activities performed by the Permittee by virtue of the permission granted by this ordinance.

Minimum insurance requirements are CGL insurance written on an occurrence form at least as broad as the Insurance Services Office (ISO) CG 00 01. The City requires insurance coverage to be placed with an insurer admitted and licensed to conduct business in Washington State or with a surplus lines carrier pursuant to chapter 48.15 RCW. If coverage is placed with any other insurer or is partially or wholly self-insured, such insurer(s) or self-insurance is subject to approval by the City's Risk Manager.

Minimum limits of liability shall be \$5,000,000 per Occurrence; \$10,000,000 General Aggregate; \$5,000,000 Products/Completed Operations Aggregate, including Premises Operations; Personal/Advertising Injury; Contractual Liability. Coverage shall include the "City of Seattle, its officers, officials, employees and agents" as additional insureds for primary and non-contributory limits of liability subject to a Separation of Insureds clause.

Within 60 days after the effective date of this ordinance, the Permittee shall provide to the City, or cause to be provided, certification of insurance coverage including an actual copy of the blanket or designated additional insured policy provision per the ISO CG 20 12 endorsement or equivalent. The insurance coverage certification shall be delivered or sent to the Director or to SDOT at an address as the Director may specify in writing from time to time. The Permittee shall provide a certified complete copy of the insurance policy to the City promptly upon request.

If the Permittee is self-insured, a letter of certification from the Corporate Risk Manager may be submitted in lieu of the insurance coverage certification required by this ordinance, if approved in writing by the City's Risk Manager. The letter of certification must provide all information required by the City's Risk Manager and document, to the satisfaction of the City's Risk Manager, that self-insurance equivalent to the insurance requirements of this ordinance is in force. After a self-insurance certification is approved, the City may from time to time subsequently require updated or additional information. The approved self-insured Permittee must provide 30 days' prior notice of any cancellation or material adverse financial condition of its self-insurance program. The City may at any time revoke approval of self-insurance and require the Permittee to obtain and maintain insurance as specified in this ordinance.

In the event that the Permittee assigns or transfers the permission granted by this ordinance, the Permittee shall maintain in effect the insurance required under this section until the Director has approved the assignment or transfer pursuant to Section 14 of this ordinance.

Section 11. **Contractor insurance.** The Permittee shall contractually require that any and all of its contractors performing work on any premises contemplated by this permit name the "City of Seattle, its officers, officials, employees and agents" as additional insureds for primary and non-contributory limits of liability on all CGL, Automobile and Pollution liability insurance and/or self-insurance. The Permittee shall also include in all contract documents with its contractors a third-party beneficiary provision extending to the City construction indemnities and warranties granted to the Permittee.

Section 12. **Performance bond.** Within 60 days after the effective date of this ordinance, the Permittee shall deliver to the Director for filing with the City Clerk a sufficient bond executed by a surety company authorized and qualified to do business in the State of Washington, in the amount of \$155,000 and conditioned with a requirement that the Permittee shall comply with every provision of this ordinance and with every order the Director issues under this ordinance. The Permittee shall ensure that the bond remains in effect until the Director has issued a certification that the Permittee has fulfilled its removal and restoration obligations under Section 5 of this ordinance. An irrevocable letter of credit approved by the Director in consultation with the City Attorney's Office may be substituted for the bond. In the event that the Permittee assigns or transfers the permission granted by this ordinance, the Permittee shall maintain in effect the bond or letter of credit required under this section until the Director has approved the assignment or transfer pursuant to Section 14 of this ordinance.

Section 13. **Adjustment of insurance and bond requirements.** The Director may adjust minimum liability insurance levels and surety bond requirements during the term of this permission. If the Director determines that an adjustment is necessary to fully protect the interests of the City, the Director shall notify the Permittee of the new requirements in writing. The Permittee shall, within 60 days of the date of the notice, provide proof of the adjusted insurance and surety bond levels to the Director.

Section 14. **Consent for and conditions of assignment or transfer.** When the Property is transferred, the permission granted by this ordinance shall be assignable and transferable by operation of law pursuant to Section 20 of this ordinance. Continued occupation of the right-of-way constitutes the Permittee's acceptance of the terms of this ordinance, and the new owner shall be conferred with the rights and obligations of the Permittee by this ordinance. Other than a transfer to a new owner of the Property, the Permittee shall not transfer, assign, mortgage, pledge or encumber the same without the Director's consent, which the Director shall not unreasonably refuse. The Director may approve assignment or transfer of the permission granted by this ordinance to a successor entity only if the successor or assignee has provided, at the time of the assignment

or transfer, the bond and certification of insurance coverage required under this ordinance; and has paid any fees due under Section 15 and Section 17 of this ordinance. Upon the Director's approval of an assignment or transfer, the rights and obligations conferred on the Permittee by this ordinance shall be conferred on the successors and assigns. Any person or entity seeking approval for an assignment or transfer of the permission granted by this ordinance shall provide the Director with a description of the current and anticipated use of the vehicular and pedestrian tunnel.

Section 15. **Inspection fees.** The Permittee shall, as provided by SMC Chapter 15.76 or successor provision, pay the City the amounts charged by the City to inspect the vehicular and pedestrian tunnel during construction, reconstruction, repair, annual safety inspections, and at other times deemed necessary by the City. An inspection or approval of the vehicular and pedestrian tunnel by the City shall not be construed as a representation, warranty, or assurance to the Permittee or any other person as to the safety, soundness, or condition of the vehicular and pedestrian tunnel. Any failure by the City to require correction of any defect or condition shall not in any way limit the responsibility or liability of the Permittee.

Section 16. **Inspection reports.** The Permittee shall submit to the Director, or to SDOT at an address specified by the Director, an inspection report that:

- A. Describes the physical dimensions and condition of all load-bearing elements;
- B. Describes any damages or possible repairs to any element of the vehicular and pedestrian tunnel;
- C. Prioritizes all repairs and establishes a timeframe for making repairs; and
- D. Is stamped by a professional structural engineer licensed in the State of Washington.

A report meeting the foregoing requirements shall be submitted within 60 days after the effective date of this ordinance; subsequent reports shall be submitted every two years, provided that, in the event of a natural disaster or other event that may have damaged the vehicular and pedestrian tunnel, the Director may require that additional reports be submitted by a date established by the Director. The Permittee has the duty of inspecting and maintaining the vehicular and pedestrian tunnel. The responsibility to submit structural

inspection reports periodically or as required by the Director does not waive or alter any of the Permittee's other obligations under this ordinance. The receipt of any reports by the Director shall not create any duties on the part of the Director. Any failure by the Director to require a report, or to require action after receipt of any report, shall not waive or limit the obligations of the Permittee.

Section 17. **Annual fee.** Beginning on the effective date of this ordinance the Permittee shall pay an Issuance Fee, and annually thereafter, the Permittee shall promptly pay to the City, upon statements or invoices issued by the Director, an Annual Renewal Fee, and an Annual Use and Occupation fee of \$8,816, or as adjusted annually thereafter, for the privileges granted by this ordinance.

Adjustments to the Annual Use and Occupation Fee shall be made in accordance with a term permit fee schedule adopted by the City Council and may be made every year. In the absence of a schedule, the Director may only increase or decrease the previous year's fee to reflect any inflationary changes so as to charge the fee in constant dollar terms. This adjustment will be calculated by adjusting the previous year's fee by the percentage change between the two most recent year-end values available for the Consumer Price Index for the Seattle-Tacoma-Bellevue Area, All Urban Consumers, All Products, Not Seasonally Adjusted. Permittee shall pay any other applicable fees, including fees for reviewing applications to renew the permit after expiration of the first term. All payments shall be made to the City Finance Director for credit to the Transportation Fund.

Section 18. **Compliance with other laws.** The Permittee shall construct, maintain, and operate the vehicular and pedestrian tunnel in compliance with all applicable federal, state, County, and City laws and regulations. Without limitation, in all matters pertaining to the vehicular and pedestrian tunnel, the Permittee shall comply with the City's laws prohibiting discrimination in employment and contracting including Seattle's Fair Employment Practices Ordinance, Chapter 14.04, and Fair Contracting Practices code, Chapter 14.10 (or successor provisions).

Section 19. **Acceptance of terms and conditions.** The Permittee shall provide evidence of insurance coverage required by Section 10 of this ordinance, the bond as required by Section 12 of this ordinance, and the

covenant agreement required by Section 20 of this ordinance within 60 days after the effective date of this ordinance. Continued occupation of the right-of-way constitutes the Permittee’s acceptance of the terms of this ordinance.

Section 20. **Obligations run with the Property.** The obligations and conditions imposed on the Permittee by and through this ordinance are covenants that run with the land and bind subsequent owners of the property adjacent to the vehicular and pedestrian tunnel and legally described in Section 1 of this ordinance (the “Property”), regardless of whether the Director has approved assignment or transfer of the permission granted herein to such subsequent owner(s). At the request of the Director, the Permittee shall provide to the Director a current title report showing the identity of all owner(s) of the Property and all encumbrances on the Property. The Permittee shall, within 60 days of the effective date of this ordinance, and prior to conveying any interest in the Property, deliver to the Director upon a form to be supplied by the Director, a covenant agreement imposing the obligations and conditions set forth in this ordinance, signed and acknowledged by the Permittee and any other owner(s) of the Property and recorded with the King County Recorder’s Office. The Director shall file the recorded covenant agreement with the City Clerk. The covenant agreement shall reference this ordinance by its ordinance number. At the request of the Director, Permittee shall cause encumbrances on the Property to be subordinated to the covenant agreement.

Section 21. **Repeal of Section 7 of Ordinance 119508.** Section 7 of Ordinance 119508 is repealed.

Section 22. **Section titles.** Section titles are for convenient reference only and do not modify or limit the text of a section.

Section 23. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2021, and signed by

me in open session in authentication of its passage this _____ day of _____, 2021.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2021.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2021.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Seattle Department of Transportation	Amy Gray/206-386-4638	Christie Parker/206-684-5211

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title:

AN ORDINANCE granting BGO Plaza 600 JV LLC permission to continue maintaining and operating a vehicular and pedestrian tunnel under the alley between 6th Avenue and 7th Avenue, north of Stewart Street; repealing Section 7 of Ordinance 119508; and providing for acceptance of the permit and conditions.

Summary and background of the Legislation:

This legislation allows BGO Plaza 600 JV LLC to continue maintaining and operating a vehicular and pedestrian tunnel under the alley between 6th Avenue and 7th Avenue, north of Stewart Street. The vehicular and pedestrian tunnel permit is for a period of fifteen years, commencing on the effective date of the ordinance. The permit may be extended for one successive 15-year term. The legislation specifies the conditions under which permission is granted.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes X No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? X Yes ___ No

Appropriation change (\$):	General Fund \$		Other \$	
	2021	2022	2021	2022
	\$0	\$0	\$0	\$0
Estimated revenue change (\$):	Revenue to General Fund		Revenue to Other Funds	
	2021	2022	2021	2022
	\$0	\$0	Annual Fee: \$8,816	TBD
Positions affected:	No. of Positions		Total FTE Change	
	2021	2022	2021	2022

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

No.

Is there financial cost or other impacts of *not* implementing the legislation?

If the legislation is not enacted by City Council, the City of Seattle would not receive the 2021 Annual Fee of \$8,816 and future annual fees.

3.a. Appropriations

This legislation adds, changes, or deletes appropriations.

3.b. Revenues/Reimbursements

This legislation adds, changes, or deletes revenues or reimbursements.

Anticipated Revenue/Reimbursement Resulting from this Legislation:

Fund Name and Number	Dept	Revenue Source	2021 Revenue	2022 Estimated Revenue
Transportation Fund (13000)	SDOT	Annual Fee	\$8,816	TBD
TOTAL			\$8,816	TBD

Is this change one-time or ongoing?

On-going

Revenue/Reimbursement Notes:

The 2021 fee is based on the 2021 land value as assessed by King County.

3.c. Positions

This legislation adds, changes, or deletes positions.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

No.

b. Is a public hearing required for this legislation?

No.

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No.

d. Does this legislation affect a piece of property?

Yes, the BGO Plaza 600 JV LLC property legally described in Section 1 of the Council Bill.

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

This legislation does not have any implications for the principles of the Race and Social Justice Initiative and does not impact vulnerable or historically disadvantaged communities.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

No.

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

No.

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).

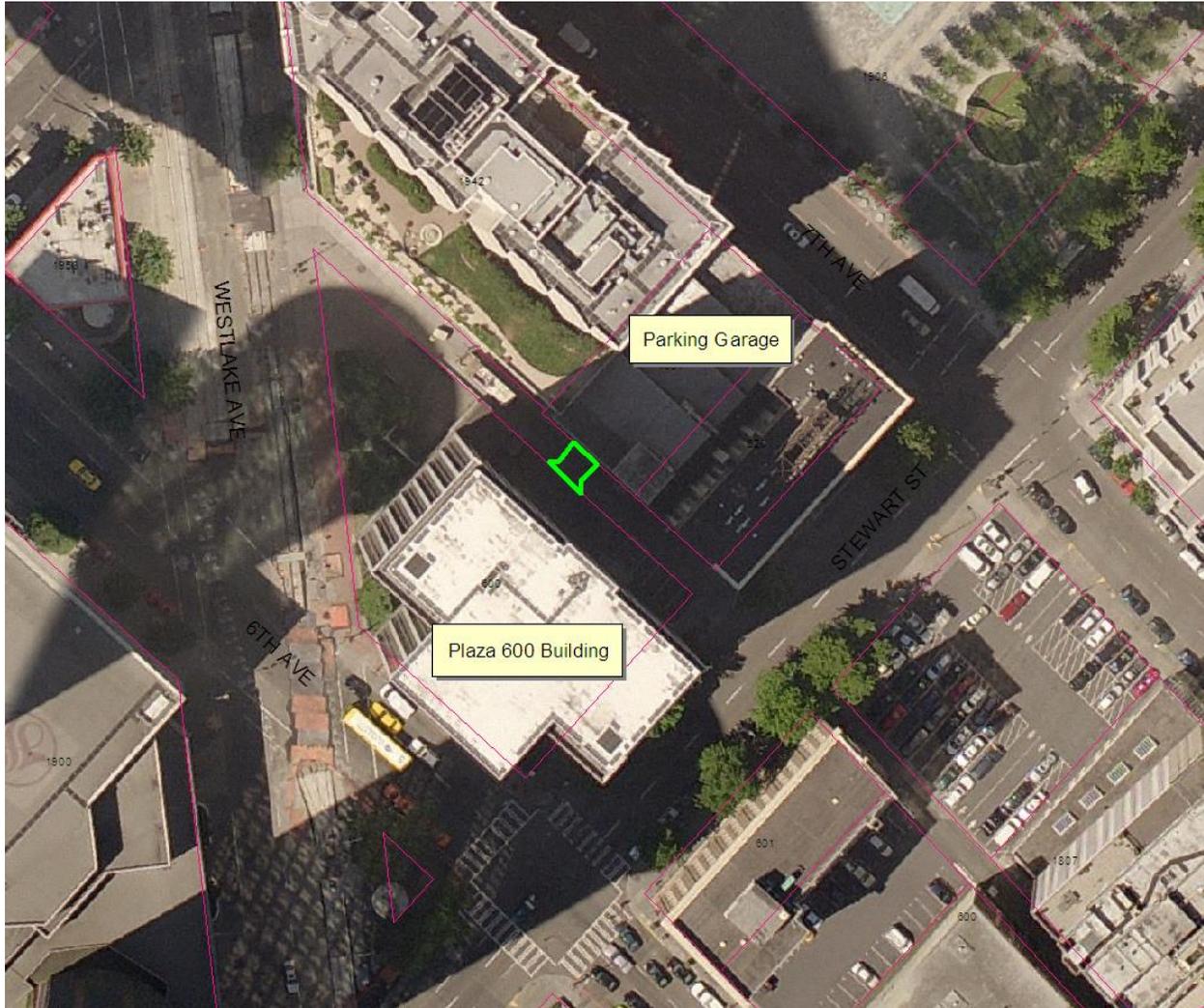
N/A

List attachments/exhibits below:

Summary Attachment A – BGO Plaza 600 JV LLC Vehicular and Pedestrian Tunnel Area Map

Summary Attachment B – Annual Fee Assessment Summary

BGO Plaza 600 JV LLC Building LLC Tunnel Area Map



Map is for informational purposes only and is not intended to modify or supplement the legal description(s) in the Ordinance.

Annual Fee Assessment Summary

STREET USE ANNUAL FEE ASSESSMENT

Date: 12/8/2020

Summary:
Land Value: \$1,450/SF
2021 Permit Fee:
\$8,816

I. Property Description:

Existing vehicular and pedestrian tunnel under the alley between 6th Ave and 7th Ave, north of Stewart St. The tunnel provides a below-grade vehicular and pedestrian connection between 600 Stewart St and its parking garage. The tunnel area is **304 square feet**.

Applicant:

BGO Plaza 600 JV LLC

Abutting Parcels, Property Size, Assessed Value:

2021

Parcel 0659000555; Lot size: 21,351 square feet
Tax year 2021 Appraised Land Value \$30,958,900 (\$1,450/square foot)

Parcel 0659000625; Lot size: 7,272 square feet
Tax year 2021 Appraised Land Value \$10,544,400 (\$1,450/square foot)

Average 2021 Tax Assessed Land Value: \$1,450/SF

II. Annual Fee Assessment:

The 2021 permit fee is calculated as follows:

Tunnel:

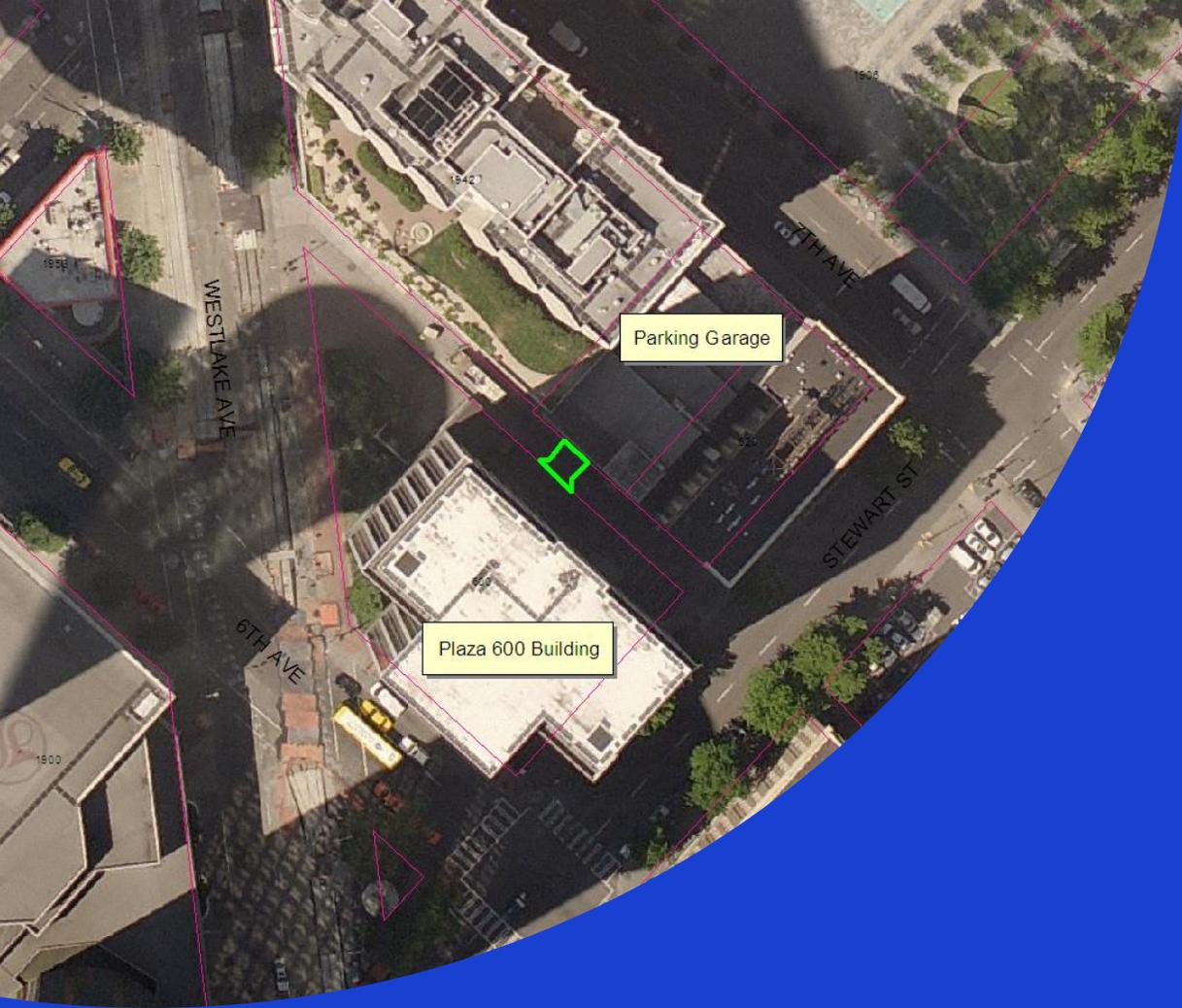
$(\$1,450/\text{SF}) \times (304 \text{ SF}) \times (25\%) \times (8\%) = \boxed{\$8,816}$ where 25% is the degree of alienation for tunnel and 8% is the annual rate of return.

Fee methodology authorized under Ordinance 123485, as amended by Ordinances 123585, 123907, and 124532.



BGO Plaza 600 JV LLC Pedestrian Tunnel Renewal

Council Transportation & Utilities Committee



Presentation overview

- BGO Plaza 600 JV LLC (Plaza 600) is seeking to renew a permit for an existing pedestrian and vehicular tunnel under the alley between 6th Ave and 7th Ave, north of Stewart St
- The pedestrian and vehicular tunnel provides a connection for staff and visitors to the office building with the parking garage
- SDOT recommends approval of the term permit renewal

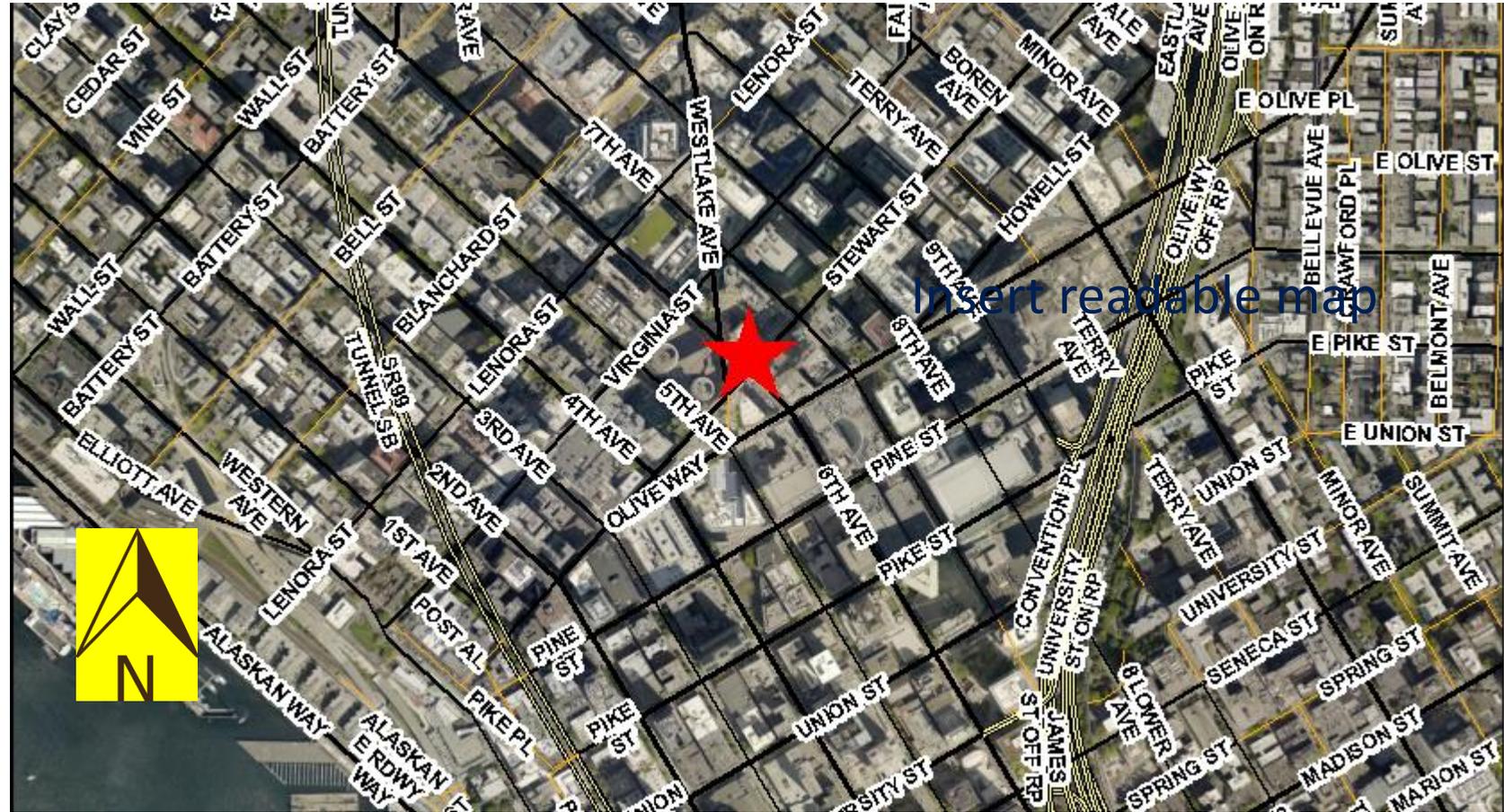
Term permit process - permit renewals

Ordinance

Passage of the ordinance renews the permit and details the terms and conditions of the permit, including annual fee, maintenance obligations, indemnification, insurance and bond requirements.

Project neighborhood - Downtown

600 Stewart St



Proposal: Plaza 600 tunnel



Requested action

- SDOT is seeking Council approval of the term permit ordinance for the existing Plaza 600 pedestrian tunnel
- If the ordinance is approved, this permit will be renewed through 2036 and may be extended for an additional 15 years

Questions?

amy.gray@seattle.gov | (206) 386-4638

www.seattle.gov/transportation



May 14, 2021

MEMORANDUM

To: Transportation and Utilities Committee
From: Lish Whitson, Analyst
Subject: Council Bill 120075 – Plaza 600 Tunnel Term Permit Renewal

On May 19, 2021, the Transportation and Utilities Committee will discuss and possibly vote on [Council Bill \(CB\) 120075](#), which would renew and extend approval to BGO Plaza 600 JV LLC to maintain a tunnel under the alley on the block bounded by Westlake, 6th and 7th avenues and Stewart Street in the Denny Triangle neighborhood. The tunnel connects the Plaza 600 office building at the corner of Stewart and Westlake to a parking garage on 7th Avenue. The legislation would provide a new fifteen year term for the term permit.

The Seattle Department of Transportation (SDOT) is proposing that the terms of significant structure term permits and skybridge permits be extended. Instead of a ten year permit renewable twice, SDOT proposes to move to a fifteen year permit, renewable once. This shift responds to the volume of term permits, the amount of work required to process a permit renewal, and the rarity of significant changes to approvals during term permit renewals. As a result of this shift, this bill would extend the term of the permit by eight years to 2036.

Permission to build and use the tunnel was first granted through [Ordinance 97096](#), in 1968. In 1999, [Ordinance 119508](#) renewed that approval for ten years. [Ordinance 123510](#) amended Ordinance 119508 and extended approval for an additional ten year term to 2018. CB XXXXXX would amend Ordinance 119508 to allow the approval to run for a final 15-year term to 2036.

Significant Structure Term Permit Renewals

Significant structures are structures that have “a long-anticipated duration of encroachment, impede the City's or public's flexibility in the use of the public place, or are necessary for the functioning of other property of the permittee.” Examples include tunnels below streets that provide utility, pedestrian, or vehicular access between private properties; public art placed in right-of-way; and overhead structures attached to buildings. [Seattle Municipal Code \(SMC\) Chapter 15.65](#) establishes the procedures and criteria for approval of and renewal of term permits for significant structures.

[SMC 15.65.073](#) states:

If the Director of Transportation determines at term renewal that the authorizing ordinance requires an amendment, the Director shall provide a recommendation to City Council as to whether an application for a significant structure term permit renewal should be granted or denied with the appropriate terms and conditions, and the Council shall decide on the renewal and establish the terms and conditions of that renewal consistent with [Section](#)

15.65.080. *Approval of an amended term renewal for a significant structure term permit shall be granted only by ordinance.*

Section 15.65.080 provides the terms and conditions that may be included in a term permit ordinance. These include, but are not limited to:

- the term of years that permission is granted and renewal periods, if any;
- provision for regular inspection of and procedures for closure or removal of the structure;
- requirements for performance bonds, public liability insurance, indemnification, conformance with other laws, and annual fees;
- prohibition against assignment without City consent;
- a requirement for execution and recording of a covenant ensuring that obligations and conditions imposed on the permittee run with the land, where applicable;
- public benefit mitigation elements; and
- timely acceptance of permission.

Plaza 600

Plaza 600 is a 20-story office building in the Denny Triangle. It shares a block with the Hotel Max and Met Tower apartment building. A three-story parking garage located between the hotel and apartment buildings is connected to Plaza 600 through an underground vehicle and pedestrian tunnel under the alley that separates Plaza 600 from the rest of the block.

CB 120075 would amend Ordinance 119508, which granted approval to operate the tunnel between 1998 and 2008. Ordinance 119508 provided for up to two additional ten year terms, requiring renewal in 2008 and 2018 and requiring re-permitting in 2028. Ordinance 123510 amended some of the terms in Ordinance 119508, and extended approval for the tunnel for an additional ten years to 2018. That approval has not yet been renewed.

The proposed bill would extend approval to the owners of Plaza 600 to operate the tunnel for a fifteen year term, ending in 2036. At that time, the owners would need to seek a new permit in order to continue operating the tunnel.

Next Steps

If the Transportation and Utilities Committee recommends approval of Council Bill 120075 at its May 19 meeting, it could be considered by the City Council as early as May 24.

cc: Dan Eder, Interim Director
Aly Pennucci, Policy and Budget Manager



Legislation Text

File #: CB 120076, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE granting IC/RCDP Seattle Hotel, LLC permission to continue maintaining and operating a pedestrian tunnel under and across Seneca Street, between 4th Avenue and 5th Avenue; repealing Section 8 of Ordinance 123539; and providing for acceptance of the permit and conditions.

WHEREAS, by Ordinance 123539, The City of Seattle granted LHCS Hotel Holdings (2002) L.L.C.

permission to construct, maintain, and operate a pedestrian tunnel under and across Seneca Street, between 4th Avenue and 5th Avenue, for a ten-year term, renewable for two successive ten-year terms; and

WHEREAS, the permission authorized by Ordinance 123539 was due for renewal on November 1, 2020; and

WHEREAS, LHCS Hotel Holdings (2002) L.L.C. transferred ownership of the pedestrian tunnel to IC/RCDP Seattle Hotel, LLC on June 1, 2015; and

WHEREAS, IC/RCDP Seattle Hotel, LLC submitted an application to the Director of Transportation to renew the permission granted by Ordinance 123539 for a 15-year term; and

WHEREAS, the pedestrian tunnel provides a below-grade connection for service use from the loading facilities and garbage collection in the garage to the hotel, and is not used by the general public; and

WHEREAS, the obligations of Ordinance 123539 remain in effect after the ordinance term expires until the encroachment is removed, or IC/RCDP Seattle Hotel, LLC is relieved of the obligations by the Seattle Department of Transportation Director, or the Seattle City Council passes a new ordinance to renew the permission granted; and

WHEREAS, IC/RCDP Seattle Hotel, LLC satisfied all the terms of the original authorizing ordinance and the

Director of Transportation recommends that the term permit be renewed for 15 years subject to the terms identified in this ordinance; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. **Permission.** Subject to the terms and conditions of this ordinance, the City of Seattle (“City”) grants permission (also referred to in this ordinance as a permit) to IC/RCDP Seattle Hotel, LLC, and its successors and assigns as approved by the Director of the Seattle Department of Transportation (“Director”) according to Section 14 of this ordinance (the party named above and each such approved successor and assign are referred to as “Permittee”), to continue maintaining and operating an existing pedestrian tunnel under and across Seneca Street, between 4th Avenue and 5th Avenue. The pedestrian tunnel is adjacent in whole or in part to the properties legally described as:

Lots 1, 4, and the North 45 feet of Lot 5, Block 16, C.D. Boren’s Addition, according to the plat thereof recorded in Volume 1 of Plats, page 25, in King County, Washington;

EXCEPT the Westerly 9 feet thereof condemned in King County Superior Court Cause No. 50320 for 4th Avenue as provided under Ordinance No. 13074 of the City of Seattle.

Section 2. **Term.** The permission granted to the Permittee is for a renewed term of 15 years starting on the effective date of this ordinance, and ending at 11:59 p.m. on the last day of the fifteenth year. Upon written application made by the Permittee at least one year before the expiration of the first term, the Director or City Council may renew the permit once, for a successive 15-year term, subject to the right of the City to require the removal of the pedestrian tunnel or to revise by ordinance any of the terms and conditions of the permission granted by this ordinance.

Section 3. **Protection of utilities.** The permission granted is subject to the Permittee bearing the expense of any protection, support, or relocation of existing utilities deemed necessary by the owners of the utilities, and the Permittee being responsible for any damage to the utilities due to the construction, repair, reconstruction, maintenance, operation, or removal of the pedestrian tunnel and for any consequential damages that may result from any damage to utilities or interruption in service caused by any of the foregoing.

Section 4. **Removal for public use or for cause.** The permission granted is subject to use of the street right-of-way or other public place (collectively, “public place”) by the City and the public for travel, utility purposes, and other public uses or benefits. The City expressly reserves the right to deny renewal, or terminate the permission at any time prior to expiration of the initial term or any renewal term, and require the Permittee to remove the pedestrian tunnel, or any part thereof or installation on the public place, at the Permittee’s sole cost and expense if:

- A. The City Council determines by ordinance that the space occupied by the pedestrian tunnel is necessary for any public use or benefit or that the pedestrian tunnel interferes with any public use or benefit; or
- B. The Director determines that use of the pedestrian tunnel has been abandoned; or
- C. The Director determines that any term or condition of this ordinance has been violated, and the violation has not been corrected by the Permittee by the compliance date after a written request by the City to correct the violation (unless a notice to correct is not required due to an immediate threat to the health or safety of the public).

A City Council determination that the space is needed for, or the pedestrian tunnel interferes with, a public use or benefit is conclusive and final without any right of the Permittee to resort to the courts to adjudicate the matter.

Section 5. **Permittee’s obligation to remove and restore.** If the permission granted is not renewed at the expiration of a term, or if the permission expires without an application for a new permission being granted, or if the City terminates the permission, then within 90 days after the expiration or termination of the permission, or prior to any earlier date stated in an ordinance or order requiring removal of the pedestrian tunnel, the Permittee shall, at its own expense, remove the pedestrian tunnel and all of the Permittee’s equipment and property from the public place and replace and restore all portions of the public place that may have been disturbed for any part of the pedestrian tunnel in as good condition for public use as existed prior to construction of the pedestrian tunnel and in at least as good condition in all respects as the abutting portions of

the public place as required by Seattle Department of Transportation (SDOT) right-of-way restoration standards.

Failure to remove the pedestrian tunnel as required by this section is a violation of Chapter 15.90 of the Seattle Municipal Code (SMC) or successor provision; however, applicability of Chapter 15.90 does not eliminate any remedies available to the City under this ordinance or any other authority. If the Permittee does not timely fulfill its obligations under this section, the City may in its sole discretion remove the pedestrian tunnel and restore the public place at the Permittee's expense and collect such expense in any manner provided by law.

Upon the Permittee's completion of removal and restoration in accordance with this section, or upon the City's completion of the removal and restoration and the Permittee's payment to the City for the City's removal and restoration costs, the Director shall then issue a certification that the Permittee has fulfilled its removal and restoration obligations under this ordinance. Upon prior notice to the Permittee and entry of written findings that it is in the public interest, the Director may, in the Director's sole discretion, conditionally or absolutely excuse the Permittee from compliance with all or any of the Permittee's obligations under this section.

Section 6. **Repair or reconstruction.** The pedestrian tunnel shall remain the exclusive responsibility of the Permittee and the Permittee shall maintain the pedestrian tunnel in good and safe condition for the protection of the public. The Permittee shall not reconstruct or repair the pedestrian tunnel except in strict accordance with plans and specifications approved by the Director. The Director may, in the Director's judgment, order the pedestrian tunnel reconstructed or repaired at the Permittee's cost and expense: because of the deterioration of the pedestrian tunnel; because of the installation, construction, reconstruction, maintenance, operation, or repair of any municipally-owned public utilities; or for any other cause.

Section 7. **Failure to correct unsafe condition.** After written notice to the Permittee and failure of the Permittee to correct an unsafe condition within the time stated in the notice, the Director may order the pedestrian tunnel be removed at the Permittee's expense if the Director deems that the pedestrian tunnel creates

a risk of injury to the public. If there is an immediate threat to the health or safety of the public, a notice to correct is not required.

Section 8. **Continuing obligations.** Notwithstanding termination or expiration of the permission granted, or removal of the pedestrian tunnel, the Permittee shall remain bound by all of its obligations under this ordinance until the Director has issued a certification that the Permittee has fulfilled its removal and restoration obligations under Section 5 of this ordinance, or the Seattle City Council passes a new ordinance to renew the permission granted and/or establish a new term. Notwithstanding the issuance of that certification, the Permittee shall continue to be bound by the obligations in Section 9 of this ordinance and shall remain liable for any unpaid fees assessed under Section 15 and Section 17 of this ordinance.

Section 9. **Release, hold harmless, indemnification, and duty to defend.** The Permittee, by accepting the terms of this ordinance, releases the City, its officials, officers, employees, and agents from any and all claims, actions, suits, liability, loss, costs, expense, attorneys' fees, or damages of every kind and description arising out of or by reason of the pedestrian tunnel or this ordinance, including but not limited to claims resulting from injury, damage, or loss to the Permittee or the Permittee's property.

The Permittee agrees to at all times defend, indemnify, and hold harmless the City, its officials, officers, employees, and agents from and against all claims, actions, suits, liability, loss, costs, expense, attorneys' fees, or damages of every kind and description, excepting only damages that may result from the sole negligence of the City, that may accrue to, be asserted by, or be suffered by any person or property including, without limitation, damage, death or injury to members of the public or to the Permittee's officers, agents, employees, contractors, invitees, tenants, tenants' invitees, licensees, or successors and assigns, arising out of or by reason of:

A. The existence, condition, construction, reconstruction, modification, maintenance, operation, use, or removal of the pedestrian tunnel, or any portion thereof, or the use, occupation, or restoration of the public place or any portion thereof by the Permittee or any other person or entity;

B. Anything that has been done or may at any time be done by the Permittee by reason of this ordinance; or

C. The Permittee failing or refusing to strictly comply with every provision of this ordinance; or arising out of or by reason of the pedestrian tunnel or this ordinance in any other way.

If any suit, action, or claim of the nature described above is filed, instituted, or begun against the City, the Permittee shall upon notice from the City defend the City, with counsel acceptable to the City, at the sole cost and expense of the Permittee, and if a judgment is rendered against the City in any suit or action, the Permittee shall fully satisfy the judgment within 90 days after the action or suit has been finally determined, if determined adversely to the City. If it is determined by a court of competent jurisdiction that Revised Code of Washington (RCW) 4.24.115 applies to this ordinance, then in the event claims or damages are caused by or result from the concurrent negligence of the City, its agents, contractors, or employees, and the Permittee, its agents, contractors, or employees, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Permittee or the Permittee's agents, contractors, or employees.

Section 10. **Insurance.** For as long as the Permittee exercises any permission granted by this ordinance and until the Director has issued a certification that the Permittee has fulfilled its removal and restoration obligations under Section 5 of this ordinance, the Permittee shall obtain and maintain in full force and effect, at its own expense, insurance and/or self-insurance that protects the Permittee and the City from claims and risks of loss from perils that can be insured against under commercial general liability (CGL) insurance policies in conjunction with:

A. Construction, reconstruction, modification, operation, maintenance, use, existence, or removal of the pedestrian tunnel, or any portion thereof, as well as restoration of any disturbed areas of the public place in connection with removal of the pedestrian tunnel;

B. The Permittee's activity upon or the use or occupation of the public place described in Section 1 of this ordinance; and

C. Claims and risks in connection with activities performed by the Permittee by virtue of the permission granted by this ordinance.

Minimum insurance requirements are CGL insurance written on an occurrence form at least as broad as the Insurance Services Office (ISO) CG 00 01. The City requires insurance coverage to be placed with an insurer admitted and licensed to conduct business in Washington State or with a surplus lines carrier pursuant to chapter 48.15 RCW. If coverage is placed with any other insurer or is partially or wholly self-insured, such insurer(s) or self-insurance is subject to approval by the City's Risk Manager.

Minimum limits of liability shall be \$5,000,000 per Occurrence; \$10,000,000 General Aggregate; \$5,000,000 Products/Completed Operations Aggregate, including Premises Operations; Personal/Advertising Injury; Contractual Liability. Coverage shall include the "City of Seattle, its officers, officials, employees and agents" as additional insureds for primary and non-contributory limits of liability subject to a Separation of Insureds clause.

Within 60 days after the effective date of this ordinance, the Permittee shall provide to the City, or cause to be provided, certification of insurance coverage including an actual copy of the blanket or designated additional insured policy provision per the ISO CG 20 12 endorsement or equivalent. The insurance coverage certification shall be delivered or sent to the Director or to SDOT at an address as the Director may specify in writing from time to time. The Permittee shall provide a certified complete copy of the insurance policy to the City promptly upon request.

If the Permittee is self-insured, a letter of certification from the Corporate Risk Manager may be submitted in lieu of the insurance coverage certification required by this ordinance, if approved in writing by the City's Risk Manager. The letter of certification must provide all information required by the City's Risk Manager and document, to the satisfaction of the City's Risk Manager, that self-insurance equivalent to the insurance requirements of this ordinance is in force. After a self-insurance certification is approved, the City may from time to time subsequently require updated or additional information. The approved self-insured

Permittee must provide 30 days' prior notice of any cancellation or material adverse financial condition of its self-insurance program. The City may at any time revoke approval of self-insurance and require the Permittee to obtain and maintain insurance as specified in this ordinance.

In the event that the Permittee assigns or transfers the permission granted by this ordinance, the Permittee shall maintain in effect the insurance required under this section until the Director has approved the assignment or transfer pursuant to Section 14 of this ordinance.

Section 11. **Contractor insurance.** The Permittee shall contractually require that any and all of its contractors performing work on any premises contemplated by this permit name the "City of Seattle, its officers, officials, employees and agents" as additional insureds for primary and non-contributory limits of liability on all CGL, Automobile and Pollution liability insurance and/or self-insurance. The Permittee shall also include in all contract documents with its contractors a third-party beneficiary provision extending to the City construction indemnities and warranties granted to the Permittee.

Section 12. **Performance bond.** Within 60 days after the effective date of this ordinance, the Permittee shall deliver to the Director for filing with the City Clerk a sufficient bond executed by a surety company authorized and qualified to do business in the State of Washington, in the amount of \$40,000 and conditioned with a requirement that the Permittee shall comply with every provision of this ordinance and with every order the Director issues under this ordinance. The Permittee shall ensure that the bond remains in effect until the Director has issued a certification that the Permittee has fulfilled its removal and restoration obligations under Section 5 of this ordinance. An irrevocable letter of credit approved by the Director in consultation with the City Attorney's Office may be substituted for the bond. In the event that the Permittee assigns or transfers the permission granted by this ordinance, the Permittee shall maintain in effect the bond or letter of credit required under this section until the Director has approved the assignment or transfer pursuant to Section 14 of this ordinance.

Section 13. **Adjustment of insurance and bond requirements.** The Director may adjust minimum

liability insurance levels and surety bond requirements during the term of this permission. If the Director determines that an adjustment is necessary to fully protect the interests of the City, the Director shall notify the Permittee of the new requirements in writing. The Permittee shall, within 60 days of the date of the notice, provide proof of the adjusted insurance and surety bond levels to the Director.

Section 14. Consent for and conditions of assignment or transfer. When the Property is transferred, the permission granted by this ordinance shall be assignable and transferable by operation of law pursuant to Section 20 of this ordinance. Continued occupation of the right-of-way constitutes the Permittee's acceptance of the terms of this ordinance, and the new owner shall be conferred with the rights and obligations of the Permittee by this ordinance. Other than a transfer to a new owner of the Property, the Permittee shall not transfer, assign, mortgage, pledge, or encumber the same without the Director's consent, which the Director shall not unreasonably refuse. The Director may approve assignment or transfer of the permission granted by this ordinance to a successor entity only if the successor or assignee has provided, at the time of the assignment or transfer, the bond and certification of insurance coverage required under this ordinance; and has paid any fees due under Section 15 and Section 17 of this ordinance. Upon the Director's approval of an assignment or transfer, the rights and obligations conferred on the Permittee by this ordinance shall be conferred on the successors and assigns. Any person or entity seeking approval for an assignment or transfer of the permission granted by this ordinance shall provide the Director with a description of the current and anticipated use of the pedestrian tunnel.

Section 15. Inspection fees. The Permittee shall, as provided by SMC Chapter 15.76 or successor provision, pay the City the amounts charged by the City to inspect the pedestrian tunnel during construction, reconstruction, repair, annual safety inspections, and at other times deemed necessary by the City. An inspection or approval of the pedestrian tunnel by the City shall not be construed as a representation, warranty, or assurance to the Permittee or any other person as to the safety, soundness, or condition of the Pedestrian tunnel. Any failure by the City to require correction of any defect or condition shall not in any way limit the

responsibility or liability of the Permittee.

Section 16. **Inspection reports.** The Permittee shall submit to the Director, or to SDOT at an address specified by the Director, an inspection report that:

- A. Describes the physical dimensions and condition of all load-bearing elements;
- B. Describes any damages or possible repairs to any element of the pedestrian tunnel;
- C. Prioritizes all repairs and establishes a timeframe for making repairs; and
- D. Is stamped by a professional structural engineer licensed in the State of Washington.

A report meeting the foregoing requirements shall be submitted within 60 days after the effective date of this ordinance; subsequent reports shall be submitted every two years, provided that, in the event of a natural disaster or other event that may have damaged the pedestrian tunnel, the Director may require that additional reports be submitted by a date established by the Director. The Permittee has the duty of inspecting and maintaining the pedestrian tunnel. The responsibility to submit structural inspection reports periodically or as required by the Director does not waive or alter any of the Permittee's other obligations under this ordinance. The receipt of any reports by the Director shall not create any duties on the part of the Director. Any failure by the Director to require a report, or to require action after receipt of any report, shall not waive or limit the obligations of the Permittee.

Section 17. **Annual fee.** Beginning on the effective date of this ordinance the Permittee shall pay an Issuance Fee, and annually thereafter, the Permittee shall promptly pay to the City, upon statements or invoices issued by the Director, an Annual Renewal Fee, and an Annual Use and Occupation fee of \$16,367.97, or as adjusted annually thereafter, for the privileges granted by this ordinance.

Adjustments to the Annual Use and Occupation Fee shall be made in accordance with a term permit fee schedule adopted by the City Council and may be made every year. In the absence of a schedule, the Director may only increase or decrease the previous year's fee to reflect any inflationary changes so as to charge the fee in constant dollar terms. This adjustment will be calculated by adjusting the previous year's fee by the

percentage change between the two most recent year-end values available for the Consumer Price Index for the Seattle-Tacoma-Bellevue Area, All Urban Consumers, All Products, Not Seasonally Adjusted. Permittee shall pay any other applicable fees, including fees for reviewing applications to renew the permit after expiration of the first term. All payments shall be made to the City Finance Director for credit to the Transportation Fund.

Section 18. Compliance with other laws. The Permittee shall construct, maintain, and operate the pedestrian tunnel in compliance with all applicable federal, state, County, and City laws and regulations. Without limitation, in all matters pertaining to the pedestrian tunnel, the Permittee shall comply with the City's laws prohibiting discrimination in employment and contracting including Seattle's Fair Employment Practices Ordinance, Chapter 14.04, and Fair Contracting Practices code, Chapter 14.10 (or successor provisions).

Section 19. Acceptance of terms and conditions. The Permittee shall provide evidence of insurance coverage required by Section 10 of this ordinance, the bond as required by Section 12 of this ordinance, and the covenant agreement required by Section 20 of this ordinance within 60 days after the effective date of this ordinance. Continued occupation of the right-of-way constitutes the Permittee's acceptance of the terms of this ordinance.

Section 20. Obligations run with the Property. The obligations and conditions imposed on the Permittee by and through this ordinance are covenants that run with the land and bind subsequent owners of the property adjacent to the pedestrian tunnel and legally described in Section 1 of this ordinance (the "Property"), regardless of whether the Director has approved assignment or transfer of the permission granted herein to such subsequent owner(s). At the request of the Director, the Permittee shall provide to the Director a current title report showing the identity of all owner(s) of the Property and all encumbrances on the Property. The Permittee shall, within 60 days of the effective date of this ordinance, and prior to conveying any interest in the Property, deliver to the Director upon a form to be supplied by the Director, a covenant agreement imposing the obligations and conditions set forth in this ordinance, signed and acknowledged by the Permittee and any other owner(s) of the Property and recorded with the King County Recorder's Office. The Director shall file the

recorded covenant agreement with the City Clerk. The covenant agreement shall reference this ordinance by its ordinance number. At the request of the Director, Permittee shall cause encumbrances on the Property to be subordinated to the covenant agreement.

Section 21. **Repeal of Section 8 of Ordinance 123539.** Section 8 of Ordinance 123539 is repealed.

Section 22. **Section titles.** Section titles are for convenient reference only and do not modify or limit the text of a section.

Section 23. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2021, and signed by me in open session in authentication of its passage this _____ day of _____, 2021.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2021.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2021.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Seattle Department of Transportation	Amy Gray/206-386-4638	Christie Parker/206-684-5211

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE granting IC/RCDP Seattle Hotel, LLC permission to continue maintaining and operating a pedestrian tunnel under and across Seneca Street, between 4th Avenue and 5th Avenue; repealing Section 8 of Ordinance 123539; and providing for acceptance of the permit and conditions.

Summary and background of the Legislation:

This legislation allows IC/RCDP Seattle Hotel, LLC to continue maintaining and operating a pedestrian tunnel under and across Seneca Street, between 4th Avenue and 5th Avenue. The pedestrian tunnel permit is for a period of fifteen years, commencing on the effective date of the ordinance. The permit may be extended for one successive 15-year term. The legislation specifies the conditions under which permission is granted and repeals Section 8 of Ordinance 123539.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes X No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? X Yes ___ No

Appropriation change (\$):	General Fund \$		Other \$	
	2021	2022	2021	2022
	\$0	\$0	\$0	\$0
Estimated revenue change (\$):	Revenue to General Fund		Revenue to Other Funds	
	2021	2022	2021	2022
	\$0	\$0	Annual Fee: \$16,367.97	TBD
Positions affected:	No. of Positions		Total FTE Change	
	2021	2022	2021	2022

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?
 No.

Is there financial cost or other impacts of *not* implementing the legislation?

If the legislation is not enacted by City Council, the City of Seattle would not receive the 2021 Annual Fee of \$16,367.97 and future annual fees.

3.a. Appropriations

This legislation adds, changes, or deletes appropriations.

3.b. Revenues/Reimbursements

This legislation adds, changes, or deletes revenues or reimbursements.

Anticipated Revenue/Reimbursement Resulting from this Legislation:

Fund Name and Number	Dept	Revenue Source	2021 Revenue	2022 Estimated Revenue
Transportation Fund	SDOT	Annual Fee	\$16,367.97	TBD
TOTAL			\$16,367.97	TBD

Is this change one-time or ongoing?

On-going

Revenue/Reimbursement Notes:

The 2021 fee is based on the 2021 land value as assessed by King County.

3.c. Positions

This legislation adds, changes, or deletes positions.

4. OTHER IMPLICATIONS

- a. Does this legislation affect any departments besides the originating department?
No.
- b. Is a public hearing required for this legislation?
No.
- c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?
No.
- d. Does this legislation affect a piece of property?
Yes, the IC/RCDP Seattle Hotel, LLC property legally described in Section 1 of the Council Bill.

- e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

This legislation does not have any implications for the principles of the Race and Social Justice Initiative and does not impact vulnerable or historically disadvantaged communities.

f. Climate Change Implications

- 1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

No.

- 2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

No.

- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).**

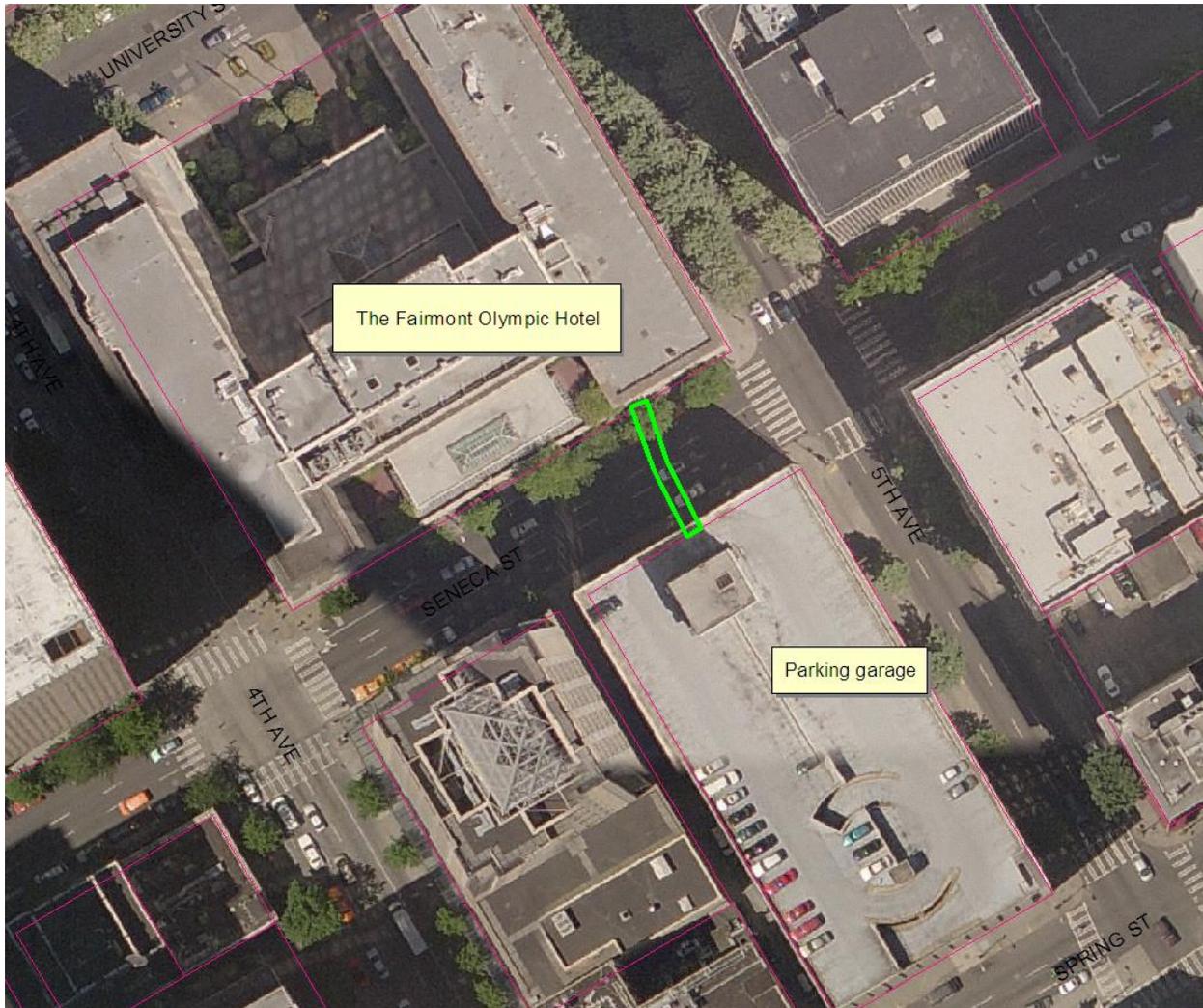
N/A

List attachments/exhibits below:

Summary Attachment A – Fairmont Hotel Tunnel Area Map

Summary Attachment B – Annual Fee Assessment Summary

Fairmont Olympic Hotel Tunnel Area Map



Map is for informational purposes only and is not intended to modify or supplement the description of the concourse location in the Ordinance.

Attachment B - Annual Fee Assessment Summary

STREET USE ANNUAL FEE ASSESSMENT

Date: 12/21/2020

<p><u>Summary:</u> Land Value: \$1,550/SF 2021 Permit Fee: \$16,367.97</p>

I. Property Description:

Existing pedestrian tunnel under and across Seneca St, between 4th Ave and 5th Ave. The tunnel provides a below-grade pedestrian connection between the Fairmont Hotel and the parking garage. The tunnel area is **528 square feet**.

Applicant:

IC/RCDP Seattle Hotel, LLC

Abutting Parcels, Property Size, Assessed Value:

2021

Parcel 0942000165¹; Lot size: 18,315 square feet
Tax year 2021 Appraised Land Value \$28,388,200 (\$1,550/square foot)

II. Annual Fee Assessment:

The 2021 permit fee is calculated as follows:

Tunnel:

$(\$1,550/\text{SF}) \times (528 \text{ SF}) \times (25\%) \times (8\%) = \$16,367.97$ where 25% is the degree of alienation for tunnel and 8% is the annual rate of return.

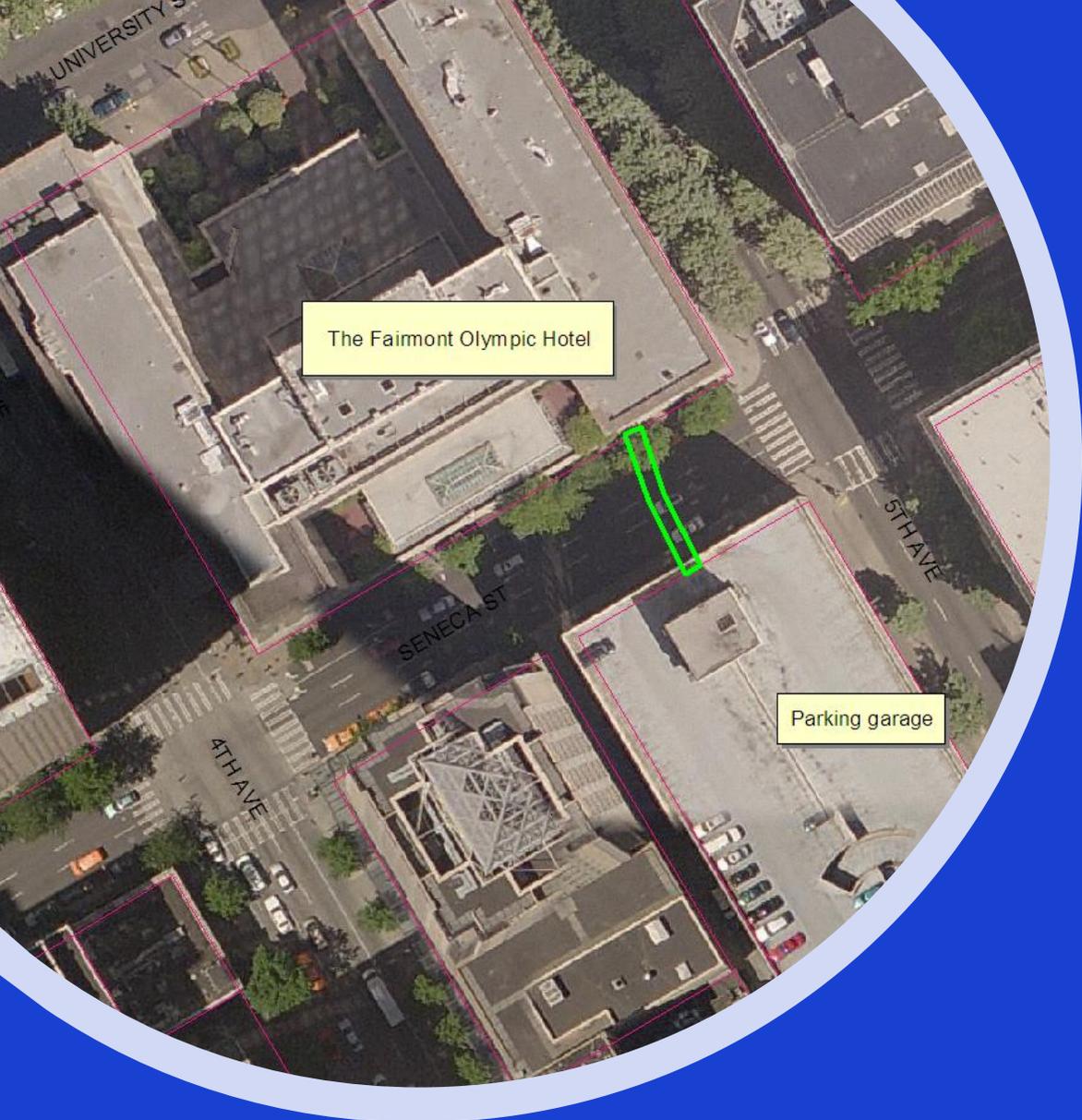
Fee methodology authorized under Ordinance 123485, as amended by Ordinances 123585, 123907, and 124532.

¹ Closest parcel with same zone DC1 U/450/U



IC/RCDP Seattle Hotel Tunnel Renewal

Council Transportation & Utilities Committee



The Fairmont Olympic Hotel

Parking garage

Presentation overview

- IC/RCDP Seattle Hotel (Fairmont Hotel) is seeking to renew a permit for an existing pedestrian tunnel under Seneca St, between 4th Ave & 5th Ave
- The pedestrian tunnel provides a connection for staff and visitors to the hotel with the parking garage
- SDOT recommends approval of the term permit renewal

Term permit process - permit renewals

Ordinance

Passage of the ordinance renews the permit and details the terms and conditions of the permit, including annual fee, maintenance obligations, indemnification, insurance and bond requirements.

Proposal: Fairmont Hotel tunnel photos



Requested action

- SDOT is seeking Council approval of the term permit ordinance for the existing Fairmont Hotel pedestrian tunnel
- If the ordinance is approved, this permit will be renewed through 2036 and may be extended for an additional 15 years

Questions?

amy.gray@seattle.gov | (206) 386-4638

www.seattle.gov/transportation



May 14, 2021

MEMORANDUM

To: Transportation and Utilities Committee
From: Lish Whitson, Analyst
Subject: Council Bill 120076 – Fairmont Olympic Hotel Tunnel

On May 19, 2021, the Sustainability and Transportation Committee will discuss and possibly vote on [Council Bill \(CB\) 120076](#), which would renew and extend approval to IC/RCDP Seattle Hotel, LLC to maintain a tunnel under Seneca Street between 4th and 5th Avenues. The tunnel connects the Fairmont Olympic Hotel to a parking garage on the south side of Seneca Street. Deliveries to the hotel are made in the garage, and the tunnel is used by employees to move supplies between the garage and the hotel across the street. The legislation would provide a new fifteen year term for the term permit, which could be extended once.

The Seattle Department of Transportation (SDOT) is proposing that the terms of significant structure term permits and skybridge permits be extended. Instead of a ten year permit renewable twice, SDOT proposes to move to a fifteen year permit, renewable once. This shift responds to the volume of term permits, the amount of work required to process a permit renewal, and the rarity of significant changes to approvals during term permit renewals. As a result of this shift, this bill would extend the potential term of the permit by 11 years to 2051.

Permission to build and use the tunnel was first granted in 1981 through [Ordinance 109601](#). In 2011, [Ordinance 123539](#) permitted the tunnel for an additional ten years, eligible to be renewed for two additional ten year terms. CB 120076 would amend Ordinance 123539 to allow the approval to run for a new 15-year term, which could be renewed for one additional 15-year term.

Significant Structure Term Permit Renewals

Significant structures are structures that have “a long-anticipated duration of encroachment, impede the City's or public's flexibility in the use of the public place, or are necessary for the functioning of other property of the permittee.” Examples include tunnels below streets that provide utility, pedestrian, or vehicular access between private properties; public art placed in right-of-way; and overhead structures attached to buildings. [Seattle Municipal Code \(SMC\) Chapter 15.65](#) establishes the procedures and criteria for approval of and renewal of term permits for significant structures.

[SMC 15.65.073](#) states:

If the Director of Transportation determines at term renewal that the authorizing ordinance requires an amendment, the Director shall provide a recommendation to City Council as to whether an application for a significant structure term permit renewal should be granted or denied with the appropriate terms and conditions, and the Council shall decide on the renewal and establish the terms and conditions of that renewal consistent with [Section 15.65.080](#). Approval of an amended term renewal for a significant structure term permit shall be granted only by ordinance.

[Section 15.65.080](#) provides the terms and conditions that may be included in a term permit ordinance. These include, but are not limited to:

- the term of years that permission is granted and renewal periods, if any;
- provision for regular inspection of and procedures for closure or removal of the structure;
- requirements for performance bonds, public liability insurance, indemnification, conformance with other laws, and annual fees;
- prohibition against assignment without City consent;
- a requirement for execution and recording of a covenant ensuring that obligations and conditions imposed on the permittee run with the land, where applicable;
- public benefit mitigation elements; and
- timely acceptance of permission.

Fairmont Olympic Hotel Tunnel

The Fairmont Olympic Hotel opened in 1924 on the site of the University of Washington's original campus in the heart of Downtown Seattle. The 450-room hotel, a designated National Register Landmark, has traded hands over the years, and is currently operated by Fairmont Hotels and Resorts. The University of Washington owns the land beneath the hotel and the parking garage across the street.

A tunnel connects the hotel to a loading dock located in the parking garage at the southwest corner of 5th Avenue and Seneca Street. The tunnel allows employees of the hotel to move supplies through the tunnel under Seneca Street, rather than at grade.

The proposed bill would amend Ordinance 123539, which granted approval to operate the tunnel between 2010 and 2020. Ordinance 123539 provided for up to two additional ten year terms, requiring renewal in 2020 and 2030 and requiring re-permitting in 2040. The proposed bill would extend approval to the hotel to operate the tunnel for a new fifteen year term, starting in 2021. Permission to operate the tunnel could be renewed for an additional 15-year term running to 2051, after which time the hotel would need to seek a new permit.

Next Steps

If the Transportation and Utilities Committee recommends approval of Council Bill 120076 at its May 19 meeting, it could be considered by the City Council as early as May 24.

cc: Dan Eder, Interim Director
Aly Pennucci, Policy and Budget Manager



Legislation Text

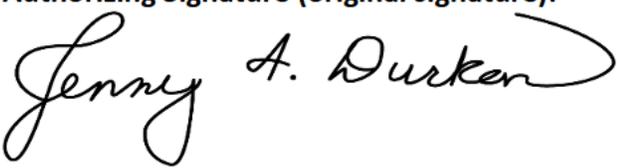
File #: Appt 01914, **Version:** 1

Reappointment of Marilyn K. Firman as member, Seattle School Traffic Safety Committee, for a term to March 31, 2024.

The Appointment Packet is provided as an attachment.



City of Seattle Boards & Commissions Notice of Appointment

Appointee Name: Marilyn K. Firman		
Board/Commission Name: Seattle School Traffic Safety Committee		Position Title: Member At Large (seat 9)
<input type="checkbox"/> Appointment OR <input checked="" type="checkbox"/> Reappointment	City Council Confirmation required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Appointing Authority: <input type="checkbox"/> City Council <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Other	Term of Position: * 4/1/2021 to 3/31/2024 <input type="checkbox"/> Serving remaining term of a vacant position	
Residential Neighborhood: Maple Leaf/Northgate	Zip Code: 98125	Contact Phone No.: [REDACTED]
Background: Marilyn Firman is a retired elementary school counselor and former small business owner. After retiring as a school counselor, Marilyn volunteered for years as a CASA Guardian Ad Litem in the foster care system. She volunteered in 2017 at Northgate Elementary after school program and is looking for further opportunities to stay involved in her community and advocate for children's safety.		
Authorizing Signature (original signature):  Date Signed (appointed): 4/22/2021	Appointing Signatory: Jenny A. Durkan Mayor of Seattle	

*Term begin and end date is fixed and tied to the position and not the appointment date.

Marilyn K. Firman

Objective

To volunteer as a good citizen to serve my new community. I was challenged by my son-in-law to act, not just as myself but as an example to younger family members to encourage them to become active locally. Due to recent national events, this action has become essential.

Education

M. ED. IN SCHOOL COUNSELING AND SCHOOL COUNSELING CERTIFICATION

- Central Washington University, Ellensburg, WA
- Many, many credits in continuing education over many years.

B. A. IN POLITICAL SCIENCE

- University of Washington, Seattle, WA

Skills & Abilities

MANAGEMENT

- Helped create, manage and finally sell a successful small agricultural business, Firmyield Pollen Service

COUNSELING/COMMUNICATIONS/CHILDREN'S ISSUES

- After selling the small business worked 14 years as a school counselor. Continued for years after retirement to volunteer as a CASA Guardian Ad Litem in the foster care system. Volunteered in 2017 at Northgate Elementary after school program. Moved to Seattle in 2014 and nannied for my grandson for his first two years and still am active in support care for him.

LEADERSHIP

- I was a Precinct Committeeman for 25 years in Yakima County and active in politics and campaigns until moderate Republicans were unwelcome. In Yakima I was active in the successful fluoridation campaign and campaigning for school levy's. I usually ended up in leadership in any social or church organization I join

ELEMENTARY SCHOOL COUNSELOR |EAST VALLEY SCHOOL DISTRICT #90 | 1991 TO 2004

COFOUNDER AND CO-OWNER OF FIRMYELD POLLEN SERVICES | 1977 TO 1991

My duties included office manager, inside processing and shipping manager, supervisor of non-English speaking employees, pollination consultant, and sales and trade show experience. I was involved in Chile in 1988 helping to train and help set up a Chilean production partnership.

Seattle School Traffic Safety Committee

11 Members: Pursuant to Ordinance 124168, 6 members subject to City Council confirmation, 3-year terms:

- 6 Mayor- appointed
- 5 Other Appointing Authority: Seattle Police Department, Seattle Department of Transportation, Seattle Public Schools, King County Metro

Roster:

*D	**G	RD	Position No.	Position Title	Name	Term Begin Date	Term End Date	Term #	Appointed By
			1.	Seattle Police Department Representative	Vacant	4/1/2019	3/31/2022	1	Chief of Police
6	F	3	2.	Seattle Transportation Representative	Jennifer Meulenberg	4/1/2019	3/31/2022	1	Director of Transportation
6	M	1	3.	Seattle Public School District No. 1 Representative	Richard Staudt	4/1/2019	3/31/2022	1	Superintendent of Seattle Public Schools
6	F	7	4.	Seattle Public School District No. 1 Representative	Yvonne Carpenter	4/1/2019	3/31/2022	1	Superintendent of Seattle Public Schools
6	F	6	5.	Representative of Parents	Mary Ellen Russell	4/1/2019	3/31/2022	2	Mayor
			6.	King County Metro Representative	Vacant	4/1/2021	3/31/2024		Metro Transit General Manager
		1	7.	Member At Large	Peaches Thomas	4/1/2020	3/31/2023	1	Mayor
6	M	3	8.	Member At Large	Charlie Simpson	4/1/2019	3/31/2022	1	Mayor
	F	5	9.	Member At Large	Marilyn K. Firman	4/1/2021	3/31/2024	2	Mayor
6	F	3	10.	Pedestrian Safety Representative	Margaret McCauley	4/1/2020	3/31/2023	2	Mayor
6	M	6	11.	Bicycle Safety Representative	Leland Bruch	4/1/2020	3/31/2023	2	Mayor

SELF-IDENTIFIED DIVERSITY CHART

	(1)		(2)		(3)		(4)		(5)		(6)		(7)		(8)		(9)	
	Male	Female	Transgender	NB/ O/ U	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non-Hispanic	Pacific Islander	Middle Eastern	Multiracial					
Mayor	2	3								4								
Council																		
Other	1	2								3								
Total	3	5								7								

Key:

*D List the corresponding *Diversity Chart* number (1 through 9)

**G List *gender*, M= Male, F= Female, T= Transgender, NB= Non-Binary, O= Other, U= Unknown

RD Residential Council District number 1 through 7 or N/A

Diversity information is self-identified and is voluntary.



Legislation Text

File #: CB 120052, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to the City Light Department; authorizing the General Manager and Chief Executive Officer of City Light to execute an Interlocal Agreement with Skagit County for the transfer of real property from Skagit County to The City of Seattle, to execute conveyance documents and agreements deemed necessary for the transfer of the property on behalf of The City of Seattle, and to accept a Quit Claim Deed from Skagit County for such property; and placing the conveyed property under the jurisdiction of City Light as part of its Endangered Species Act Land Program.

WHEREAS, Skagit County (“County”) owns a parcel of land known as Skagit County Assessor’s Parcel P63501, which the County has determined to be surplus to the County’s needs, and the County desires to transfer ownership of this lot to The City of Seattle; and

WHEREAS, the City Light Department (“City Light”) owns an adjacent property to Parcel P63501, which is managed under City Light’s Endangered Species Act Land Program and its Wildlife Lands Program as habitat for the benefit of fish and wildlife species; and

WHEREAS, City Light acquisition and ownership of Parcel P63501 would create a larger contiguous parcel of fish and wildlife habitat land in the floodplain of the Skagit River; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The General Manager and Chief Executive Officer (“General Manager/CEO”) of the City Light Department (“City Light”), or the General Manager/CEO’s designee, is authorized to execute for and on behalf of The City of Seattle an Interlocal Agreement with Skagit County, attached hereto as Attachment 1.

Section 2. The General Manager/CEO of City Light, or the General Manager/CEO’s designee, is authorized to execute conveyance documents and enter into agreements deemed necessary or convenient to

transfer the property from Skagit County to The City of Seattle, consistent with the terms and conditions of the Interlocal Agreement.

Section 3. The General Manager/CEO of City Light, or the General Manager/CEO's designee, is authorized to accept the land conveyed to The City of Seattle at no cost by Skagit County through a quit claim deed substantially in the form as attached hereto as Attachment 2.

Section 4. Following full execution and recording of the Quit Claim Deed authorized in Section 3 of this ordinance with the Skagit County Auditor, the General Manager/CEO of City Light is authorized to accept the Quit Claim Deed, and the real property conveyed shall be placed under the jurisdiction of City Light.

Section 5. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2021, and signed by me in open session in authentication of its passage this _____ day of _____, 2021.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2021.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2021.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachment 1 - Interlocal Cooperative Agreement between Skagit County and The City of Seattle, Seattle City
Light Department

Attachment 2 - Quit Claim Deed

INTERLOCAL COOPERATIVE AGREEMENT

BETWEEN

SKAGIT COUNTY

AND

THE CITY OF SEATTLE, SEATTLE CITY LIGHT DEPARTMENT

THIS AGREEMENT (herein "Agreement") is made and entered into by and between The City of Seattle, acting through its Seattle City Light Department, a Washington municipal corporation ("City") and Skagit County, a political subdivision of the State of Washington ("County") pursuant to the authority granted by Chapter 39.34 RCW, INTERLOCAL COOPERATION ACT. The City and the County may be individually referred to herein as a "Party," and may be collectively referred to herein as the "Parties." In consideration of the following terms and conditions, the parties mutually agree as follows:

1. PURPOSE: The County currently owns a parcel of real property commonly described as Skagit County Assessor Tax Parcel Number: P63501 (the "County Property"). The City owns a parcel of real property commonly identified as Skagit County Assessor Tax Parcel Number: P63500 (the "City Property"), which is adjacently located to the north of the County Property. As part of Seattle City Light's Fish and Wildlife Lands Program and Endangered Species Act Lands Program (Habitat Lands Program"), the City acquired the City Property and several other parcels of land in the vicinity. The City desires to acquire the County Property as part of its Habitat Lands Program for possible use in future City fish and wildlife habitat restoration projects, and the City has requested that the County transfer the County Property to the City for such purposes. The County has determined that the County currently has no practical use or need for the County Property, and that the County desires to transfer the County Property to the City for use by the City for its Habitat Lands Program, as provided by the terms of this Agreement.

1.1 The County has determined that the County has no use or need for the County Property, and the City desires to acquire the County Property from the County. The Parties acknowledge that the local Skagit County community may be benefited if the County Property were to be transferred to the City for use by the City as part of its Habitat Lands Program, and the County desires to convey the Property to the City pursuant to the terms of this Agreement. The Parties agree that the mutual benefits provided by the terms of this Agreement are adequate consideration for this Agreement.

2. RESPONSIBILITIES: The Parties to this Agreement mutually agree as follows:

2.1 The County shall perform the following duties and obligations pursuant to the terms of this Agreement (upon and subject to the following conditions):

- 2.1.1 Subsequent to the mutual execution of this Agreement, the County shall convey the County Property to the City via a quit claim deed within a reasonable period of time, but not later than six (6) months from the date of mutual execution of this Agreement. The substantial form of the quit claim deed for the County Property is attached hereto as Exhibit “1” and is hereby incorporated by reference. The quit claim deed shall become effective upon recording with the Skagit County Auditor. The Parties shall cooperate with one another to conduct such further acts as may be necessary for the formal execution and recording of the quit claim deed as soon as practicable. The City shall approve and accept the form of quit claim deed prior to being recorded. The terms of the quit claim deed are part of the consideration mutually provided by the Parties for this Agreement.
- 2.1.2 The Parties recognize and agree that but for and in reliance upon the terms of this Agreement, the County would not have conveyed the County Property to the City, and that such conveyance of the County Property by the County to the City shall be subject to the terms of this Agreement.
- 2.1.3 The County shall convey the County Property to the City “as is” without any representations or warranties of any kind (express or implied).
- 2.1.4 The City shall be solely and separately responsible and liable for the payment of any applicable costs and/or real estate excise taxes (and other applicable recording fees, or other fees, costs, and expenses) for said transfer of the County Property from the County to the City.
- 2.2 The City shall perform the following duties and obligations pursuant to the terms of this Agreement (upon and subject to the following conditions):
- 2.2.1 Upon recording of the quit claim deed, thereafter the City shall defend, indemnify, and hold harmless the County from any and all claims, demands, judgments and damages arising from and/or related to the ownership, use, and/or occupancy of the County Property by the City. The terms of this Section 2.2.1 shall survive the termination or expiration of this Agreement.
- 2.2.2 The City agrees that the City shall be solely and separately liable and responsible for any and all future costs, expenses, and liability associated with the County Property upon transfer to the City. The terms of this Section 2.2.2 shall survive the termination or expiration of this Agreement.
- 2.3 Neither the County nor the City is obligated to provide any funds, or perform or provide any other services, duties, or responsibilities except as is expressly provided pursuant to the terms of this Agreement.
3. TERM OF AGREEMENT: This Agreement shall commence upon mutual execution, and continue for a period of two (2) years, unless this Agreement is sooner terminated by the Parties pursuant to the terms of this Agreement.
4. MANNER OF FINANCING: The Parties agree that the terms of this Agreement are sufficient consideration for the transfer of the County Property from the County to the City, as provided herein. No funds shall be paid by the City to the County as compensation for the City’s

acquisition of the County Property, and the County shall not be responsible for any costs associated with the City's acquisition of the County Property, except as may be expressly provided herein.

4.1 Upon transfer of the County Property to the City, the City will assume any and all liability and responsibility for the County Property, and the City shall be solely and separately responsible and liable for any and all costs, charges, and expenses arising from and/or related to the County Property (once the County Property has been conveyed to the City). The terms of this Section 4.1 shall survive any termination or expiration of this Agreement.

5. ADMINISTRATION: The following individuals are designated as representatives of the respective Parties. The representatives shall be responsible for administration of this Agreement and for coordinating and monitoring performance under this Agreement. In the event such representatives are changed, the Party making the change shall notify the other Party.

5.1 The County's representative shall be the Skagit County Solid Waste Division Manager, or her/his designee.

5.2 City's representative shall be Seattle City Light's Environment, Land and Licensing Division, or his/her designee.

6. INDEMNIFICATION: Except as is otherwise set forth per the terms of this Agreement, each Party agrees to be responsible and assume liability for its own wrongful and/or negligent acts or omissions or those of their officials, officers, agents, or employees to the fullest extent required by law, and further agrees to save, indemnify, defend, and hold the other Party harmless from any such liability. It is further provided that no liability shall attach to the County or City by reason of entering into this contract except as expressly provided herein.

7. LIMITATION OF LIABILITY: Any third party having a claim against the City, however arising, shall have recourse only against the City, and shall have no recourse against the County, its appointed or elected officers, employees, volunteers or its/their assets or credits (subject to the provisions of Section 6., herein).

8. UTILITIES, TAXES, & LIENS: Upon recording of the quit claim deed for the Property, the City shall be separately responsible and liable for any utilities, taxes, assessment, liens, and/or other similar expenses (if any) for the Property.

9. TREATMENT OF ASSETS AND PROPERTY: No fixed assets or personal or real property will be jointly or cooperatively held or used pursuant to this Agreement. Upon recording of the quit claim deed, the County Property conveyed to the City pursuant to this Agreement shall be the sole and separate property of the City.

10. NEUTRAL AUTHORSHIP: Each of the terms and provisions of this Agreement have been reviewed and negotiated, and represents the combined work product of the Parties hereto. No presumption or other rules of construction which would interpret the provisions of this Agreement in favor of or against the Party preparing the same shall be applicable in connection with the construction or interpretation of any of the provisions of this Agreement. The Parties represent that they have had a full and fair opportunity to seek legal advice with respect to the terms of this Agreement and have either done so or have voluntarily chosen not to do so. The Parties represent and warrant that they have fully read this Agreement, that they understand its meaning and effect,

and that they enter into this Agreement with full knowledge of its terms. The Parties have entered into this Agreement without duress or undue influence.

11. **CHANGES, MODIFICATIONS, AMENDMENTS, & WAIVERS:** The Agreement may be changed, modified, amended or waived only by subsequent written agreement duly executed by the Parties hereto. Waiver or breach of any term or condition of this Agreement shall not be considered a waiver of any prior or subsequent breach.

12. **SEVERABILITY:** In the event any term or condition of this Agreement or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other terms, conditions or applications of this Agreement which can be given effect without the invalid term, condition, or application. To this end the terms and conditions of this Agreement are declared severable.

13. **VENUE AND CHOICE OF LAW:** In the event that any litigation should arise concerning the construction or interpretation of any of the terms of this Agreement, the venue of such action of litigation shall be in the Superior Court of the State of Washington in and for the County of Skagit. This Agreement shall be governed by the laws of the State of Washington.

14. **NO THIRD PARTY BENEFICIARIES:** This Agreement is not intended to nor does it create any third party beneficiary or other rights in any third person or party, including, but not limited to, property owners, tenants, and/or residents located at or in the vicinity of the Property, or any agent, contractor, subcontractor, consultant, employee, volunteer, or other representative of either Party to this Agreement.

15. **COMPLIANCE WITH LAWS:** The Parties to this Agreement shall comply with all applicable federal, state, and local laws, rules, and regulations in carrying out the terms and conditions of this Agreement. If necessary, the City (at the City's own expense and liability) shall obtain and comply with all necessary permits and approvals from all applicable jurisdictions prior to commencing any use and/or occupancy of the Property, or conducting any work on or at the Property, and the City shall be solely and separately responsible and liable for compliance with all terms and conditions of any such permit(s) obtained or procured by the City.

16. **TERMINATION:** Prior to the mutual execution or recording of the quit claim deed, either Party hereto may terminate this Agreement upon thirty (30) days' notice in writing either personally delivered or mailed postage-prepaid by certified mail, return receipt requested, to the Party's last known address for the purposes of giving notice under this paragraph. Either Party may terminate this Agreement for any reason, with or without cause, including convenience.

17. **USE OF DOCUMENTS AND MATERIALS PRODUCED:** Unless privileged or otherwise exempt from public disclosure, the Parties shall both have the right to use, disclose, and distribute any and all documents, writings, programs, data, public records or other materials prepared by either Party in connection with performance of this Agreement. The Parties recognize and agree that any documents and/or materials arising from and/or related to this Agreement may be subject to public disclosure pursuant to applicable law (including RCW 42.56).

19. **STATUS OF AGREEMENT:** This Agreement is in addition to, and is not intended to replace, substitute, modify, or otherwise amend any other agreements by and between the Parties. Any other agreements by and between the Parties shall continue in full force and effect.

INTERLOCAL AGREEMENT

Page 4

19. ENTIRE AGREEMENT: This Agreement contains all the terms and conditions agreed upon by the Parties. All items incorporated herein by reference are attached. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the Parties hereto.

THE CITY OF SEATTLE:

DATED this _____ day of _____, 2020

By: _____

Print name: _____

Its (Title): _____

STATE OF WASHINGTON }
COUNTY OF KING } ss.

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that she/he was duly authorized execute the instrument and acknowledged it as _____ of The City of Seattle, acting through its Seattle City Light Department, a Washington municipal corporation, to be the free and voluntary act of such party for the uses and purposes herein mentioned.

DATED this ____ day of _____, 2020.

(SEAL)

Notary Public
print name: _____
Residing at _____
My commission expires _____

SKAGIT COUNTY:

DATED this 16 day of November, 2020.

**BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Ron Wesen

Ron Wesen, Chair

Kenneth A. Dahlstedt

Kenneth A. Dahlstedt, Commissioner

Lisa Janicki

Lisa Janicki, Commissioner

Attest:

Linda Hennema

Clerk of the Board

For contracts under \$5,000:
Authorization per Resolution R20030146

County Administrator

Recommended:

[Signature]

Department Head

Approved as to form:

[Signature] 11/4/20

Civil Deputy Prosecuting Attorney

Approved as to indemnification:

[Signature]

Risk Manager

Approved as to budget:

Lisa Gagne

Budget & Finance Director

STATE OF WASHINGTON }
COUNTY OF SKAGIT } ss.

I certify that I know or have satisfactory evidence that Lisa Janicki, Ron Wesen, and/or Kenneth A. Dahlstedt, is/are the person(s) who appeared before me, and said person(s) acknowledged that she/he/they signed this instrument, on oath stated that she/he/they was/were authorized execute the instrument and acknowledged it as Commissioner(s) of Skagit County, to be the free and voluntary act of such party for the uses and purposes herein mentioned.

DATED this 16 day of November, 2020.



Linda Hammons
Notary Public
print name: Linda Hammons
Residing at Skagit County
My commission expires 11-29-2023

Exhibit "1"

After Recording Return to:

Seattle City Light
P.O. Box 34023
Seattle, WA 98214

DRAFT

DOCUMENT TITLE: Quit Claim Deed

GRANTOR(S): Skagit County, a political subdivision of the State of Washington

GRANTEE(S): City of Seattle, acting through its Seattle City Light Department, a Washington municipal corporation

ASSESSOR'S TAX / PARCEL NUMBER(S): P63501 (XrefID: 3870-000-020-0007)

ABBREVIATED LEGAL DESCRIPTION: LOT 20, CAREFREE ACRES, SUBDIVISION NO. 1, AS PER PLAT RECORDED IN VOLUME 8 OF PLATS, PAGE 62, RECORDS OF SKAGIT COUNTY, WASHINGTON. Situate in Skagit County, State of Washington.

Quit Claim Deed

The Grantor, **Skagit County**, a political subdivision of the State of Washington, not for monetary consideration, but for other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, conveys and quit claims to **The City of Seattle**, acting through its Seattle City Light Department, a Washington municipal corporation, the Grantee, the following described real property, including any after-acquired interest of Grantor:

See, **Exhibit "A"**, attached hereto and incorporated by reference.

Situate in Skagit County, State of Washington.

This conveyance is subject to public and private easements and/or private rights-of-way, if any, over, under, across, and through the above-described real property. This quit claim deed will become effective upon recording.

GRANTOR:
DATED this _____ day of _____, 2020.

**BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Ron Wesen, Chair

Kenneth A. Dahlstedt, Commissioner

Lisa Janicki, Commissioner

Attest:

Clerk of the Board

Recommended:

Department Head

Approved as to form:

Civil Deputy Prosecuting Attorney

Approved as to indemnification:

Risk Manager

Approved as to budget:

Budget & Finance Director

STATE OF WASHINGTON }
COUNTY OF SKAGIT } ss.

I certify that I know or have satisfactory evidence that Lisa Janicki, Ron Wesen, and/or Kenneth A. Dahlstedt, are the persons who appeared before me, and said persons acknowledged that he/she/they signed this instrument, on oath stated that he/she/they were authorized to execute the instrument and acknowledged it as Commissioners of Skagit County, to be the free and voluntary act of such party for the uses and purposes herein mentioned.

DATED this ____ day of _____, 2020.

(SEAL)

Notary Public
Print name: _____
Residing at: _____
My appointment expires: _____

DRAFT

GRANTEE:

The City of Seattle, acting through its Seattle City Light Department, a Washington municipal corporation.

DATED this _____ day of _____, 2020.

By: _____
Print name: _____
Its (Title): _____

DRAFT

STATE OF WASHINGTON }
COUNTY OF SKAGIT } ss.

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that she/he was duly authorized execute the instrument and acknowledged it as _____ of **The City of Seattle**, acting through its Seattle City Light Department, a Washington municipal corporation, to be the free and voluntary act of such party for the uses and purposes herein mentioned.

DATED this _____ day of _____, 2020.

(SEAL)

Notary Public
print name: _____
Residing at _____
My commission expires _____

DRAFT

EXHIBIT “A”

LEGAL DESCRIPTION

Lot 20, “CAREFREE ACRES, SUBDIVISION NO. 1”, as per plat recorded in Volume 8 of Plats, page 62, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

Att 2 – Quit Claim Deed
V1

After Recording Return to:

Seattle City Light
P.O. Box 34023
Seattle, WA 98214

DOCUMENT TITLE: **Quit Claim Deed**

GRANTOR(S): **Skagit County**, a political subdivision of the State of Washington

GRANTEE(S): **City of Seattle**, acting through its Seattle City Light Department, a Washington municipal corporation

ASSESSOR'S TAX / PARCEL NUMBER(S): P63501 (XrefID: 3870-000-020-0007)

ABBREVIATED LEGAL DESCRIPTION: LOT 20, CAREFREE ACRES, SUBDIVISION NO. 1, AS PER PLAT RECORDED IN VOLUME 8 OF PLATS, PAGE 62, RECORDS OF SKAGIT COUNTY, WASHINGTON. Situate in Skagit County, State of Washington.

Quit Claim Deed

The Grantor, **Skagit County**, a political subdivision of the State of Washington, not for monetary consideration, but for other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, conveys and quit claims to **The City of Seattle**, acting through its Seattle City Light Department, a Washington municipal corporation, the Grantee, the following described real property, including any after-acquired interest of Grantor:

See, **Exhibit "A"**, attached hereto and incorporated by reference.

Situate in Skagit County, State of Washington.

This conveyance is subject to public and private easements and/or private rights-of-way, if any, over, under, across, and through the above-described real property. This quit claim deed will become effective upon recording.

GRANTOR:

DATED this 16 day of November, 2020.

**BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Ron Wesen

Ron Wesen, Chair

Kenneth A. Dahlstedt

Kenneth A. Dahlstedt, Commissioner

Lisa Janicki

Lisa Janicki, Commissioner

Attest:

Linda Hammer

Clerk of the Board

Authorization per Resolution R20160001:

County Administrator

Recommended:

[Signature]
Department Head

Approved as to form:

[Signature] 11/4/20
Civil Deputy Prosecuting Attorney

Approved as to indemnification:

[Signature]
Risk Manager

Approved as to budget:

[Signature]
Budget & Finance Director

STATE OF WASHINGTON }
COUNTY OF SKAGIT } ss.

I certify that I know or have satisfactory evidence that Lisa Janicki, Ron Wesen, and/or Kenneth A. Dahlstedt, are the persons who appeared before me, and said persons acknowledged that he/she/they signed this instrument, on oath stated that he/she/they were authorized to execute the instrument and acknowledged it as Commissioners of Skagit County, to be the free and voluntary act of such party for the uses and purposes herein mentioned.

DATED this 16 day of November, 2020.

(SEAL)



Linda Hammons
Notary Public
Print name: Linda Hammons
Residing at: Skagit County
My appointment expires: 11-29-2023

GRANTEE:

The City of Seattle, acting through its Seattle City Light Department, a Washington municipal corporation.

DATED this _____ day of _____, 2020.

By: _____
Print name: _____
Its (Title): _____

STATE OF WASHINGTON }
COUNTY OF SKAGIT } ss.

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that she/he was duly authorized execute the instrument and acknowledged it as _____ of **The City of Seattle**, acting through its Seattle City Light Department, a Washington municipal corporation, to be the free and voluntary act of such party for the uses and purposes herein mentioned.

DATED this _____ day of _____, 2020.

(SEAL)

Notary Public
print name: _____
Residing at _____
My commission expires _____

EXHIBIT “A”

LEGAL DESCRIPTION

Lot 20, “CAREFREE ACRES, SUBDIVISION NO. 1”, as per plat recorded in Volume 8 of Plats, page 62, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Seattle City Light	Tom DeBoer/684-4185	Greg Shiring/386-4085

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to the City Light Department; authorizing the General Manager and Chief Executive Officer of City Light to execute an Interlocal Agreement for the transfer of real property from Skagit County to The City of Seattle, to execute conveyance documents and agreements deemed necessary for the transfer of the property on behalf of The City of Seattle, and to accept the Quit Claim Deed from Skagit County for such property; and placing the conveyed property under the jurisdiction of City Light as part of its Endangered Species Act Land Program.

Summary and background of the Legislation: This legislation authorizes the General Manager and Chief Executive Officer of City Light to enter into an Interlocal Agreement with Skagit County for the acquisition of a parcel of land and acceptance of the Quit Claim Deed from Skagit County for the property. The property is being donated by Skagit County; no City funds were spent acquiring the property. The property will be placed under City Light’s Endangered Species Act (“ESA”) Early Action Program under the authority of Ordinance 121114. Both the Program and Ordinance stated criteria by which the City committed to assist in threatened species recovery and these properties meet the criteria by protecting salmonid habitat. This legislation places the acquired property under the jurisdiction of City Light.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? Yes No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? Yes No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

The property acquired under this legislation will require monitoring to protect current habitat conditions. This will be done in conjunction with the monitoring of existing adjacent City Light habitat properties. A land management plan was developed for the ESA Lands and sufficient funding has been set aside for both management and monitoring of these properties. Grant funds are pursued as needed to maintain or improve habitat conditions.

Is there financial cost or other impacts of *not* implementing the legislation?

Yes, by accepting ownership of this donated property from Skagit County, it allows City Light to control uses and actions that will occur on the property. As this property is adjacent to other City Light fish and wildlife habitat protection lands, City Light can actively steward the property for better habitat conditions and prevent harm to the habitat on adjacent City Light lands. Example: if there are invasive weeds on the lot to be donated, if in City Light ownership, the invasive weeds can be removed before they spread to other City Light lands, decreasing overall stewardship costs and protecting habitat.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

No.

b. Is a public hearing required for this legislation?

No.

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No. However, pursuant to RCW 39.34, the executed Interlocal Agreement must either be filed with the King County or Skagit County Auditor or posted on City Light's external website or other electronically retrievable public source.

d. Does this legislation affect a piece of property?

Yes, see attachment listed below.

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

Not applicable. As the current owner, Skagit County does not have anyone living on the property.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

No, the legislation would have no net impact to carbon emissions. While the property will be reforested, at less than one half acre in size, the ability of mature trees to capture carbon will not be large enough to be measurable.

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

No, the acquisition of this property will not impact Seattle's resiliency for two reasons. First, the property is located in Skagit County. Second, as stated above, the small size of the property is unlikely to affect resiliency in a material way.

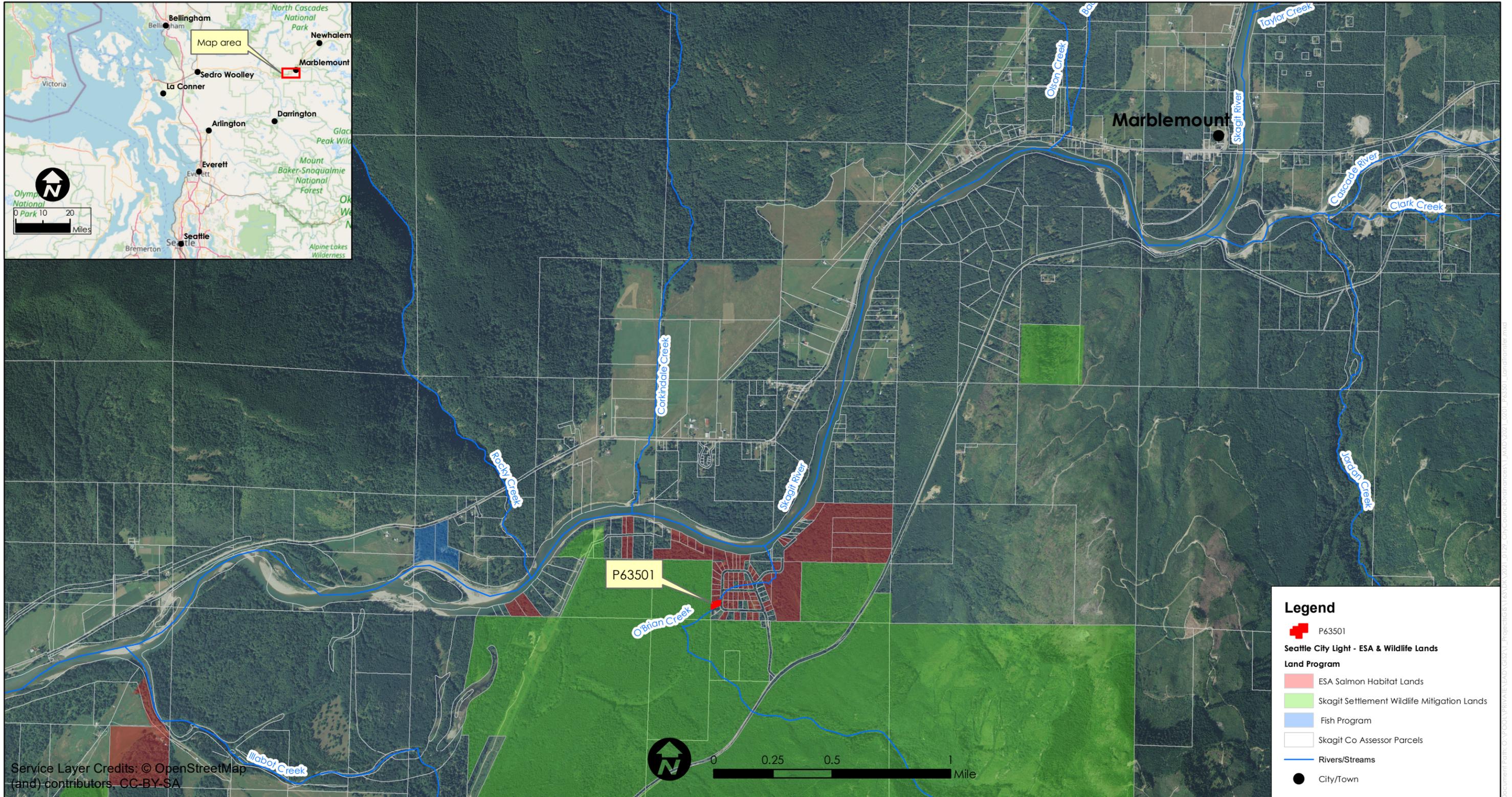
- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?**

Not applicable.

List attachments/exhibits below:

Summary Att 1 – Map of Parcel Property

Map of Parcel Property





Seattle City Light

SKAGIT COUNTY INTERLOCAL AGREEMENT

City Light/Denise Krownbell

May 19, 2021

SKAGIT COUNTY INTERLOCAL AGREEMENT

- Transfers ownership of County lot (21,780 sq.ft.) to City at no cost
- Places lot under jurisdiction of City Light's Endangered Species Act Land Program
 - Lot adjacent to other City Light conservation parcels
 - SCL ownership facilitates restoration to meet ESA Land Program objectives of which grant funds are already in hand

ENDANGERED SPECIES ACT LAND PROGRAM

- Began in 2000 with the ESA listing of Chinook salmon and bull trout.
- Focus on fish habitat in the Skagit and Tolt watersheds.
- Part of the mitigation for the ESA Incidental Take Statement for the Skagit License.
- 3,700 acres purchased and protected thus far.
- Since 2000, \$5.9M SCL funds and \$5.2M grant dollars spent in Skagit watershed.



Legislation Text

File #: Inf 1793, **Version:** 1

Presentation: Internet for All Status Report

Internet for All Seattle (IFA) 2021 Update Report

Transportation & Utilities Committee

April 21, 2021

Internet for All Update Report

July
2020

Res. 31956 adopted by Council & signed by the Mayor.

Elements of Digital Equity

Sept.
2020

Seattle IT published **Internet for All Seattle Report**
Gap analysis and outlined short-term actions and long-term solutions to close the gap.



Internet



Devices

April
2021

Seattle IT published **2021 IFA Update Report**
Progress on initial strategies to increase internet access and adoption. Includes an update on the action plan, evaluation, and the Race and Social Justice Analysis.



Digital Skills



Applications &
Services

Internet for All Strives to Close the Gap

- We are a well-connected City.
- Internet adoption gap is concentrated in specific geographic areas and key demographic groups.
- Explained by affordability not infrastructure.
- IFA's roadmap and action plan strives to close the remaining gap.

Importance of Internet for All Seattle

- The importance of reliable and affordable internet has become more critical now than ever before.
- Access to technology is a race and social justice issue.
- COVID-19 pandemic has intensified the need to address our digital divide.
- Improving digital equity is a critical part of Seattle's long-term inclusive economic recovery.

The background features a dark blue color scheme with various data visualization elements. There are several light blue lines with circular markers, some of which have numerical values like 2455, 153.102, and 154.178. There are also vertical bars in a light brown or tan color. The overall aesthetic is that of a modern data dashboard or report.

2020 Internet for All Data Collection Results

What was achieved...

Outreach & Assistance



Shared low-cost broadband options to over 3,000 residents.

3,000

Internet Connectivity



Total household sign-ups to low-income internet programs in 2020.

7,300

Devices



Public/Private donated 9,000 devices and loaned 40,000 devices to those in need.

49,000

Digital Skills & Technical Support



Public/Private provided 5,818 hours of digital skills training to 5,228 residents.

5,800

Driving Resources to Communities in Need

- Invested \$320,000 in Technology Matching Fund grants to 14 community-based organizations. Plus \$25,000 for 15th TMF project from foundation.
- Seattle Public Library increased hotspots circulation to 1335 with 410 targeted to specific communities.
- Office of Economic Development provided 174 hotspots to Digital Bridge job seekers.
- Human Services Department secured 138 hotspots for a Social Connectivity project for seniors.
- Seattle Public Schools distributed 43,000 laptop/iPads, 4,200 hotspots/internet codes and launched 8 tech support centers.

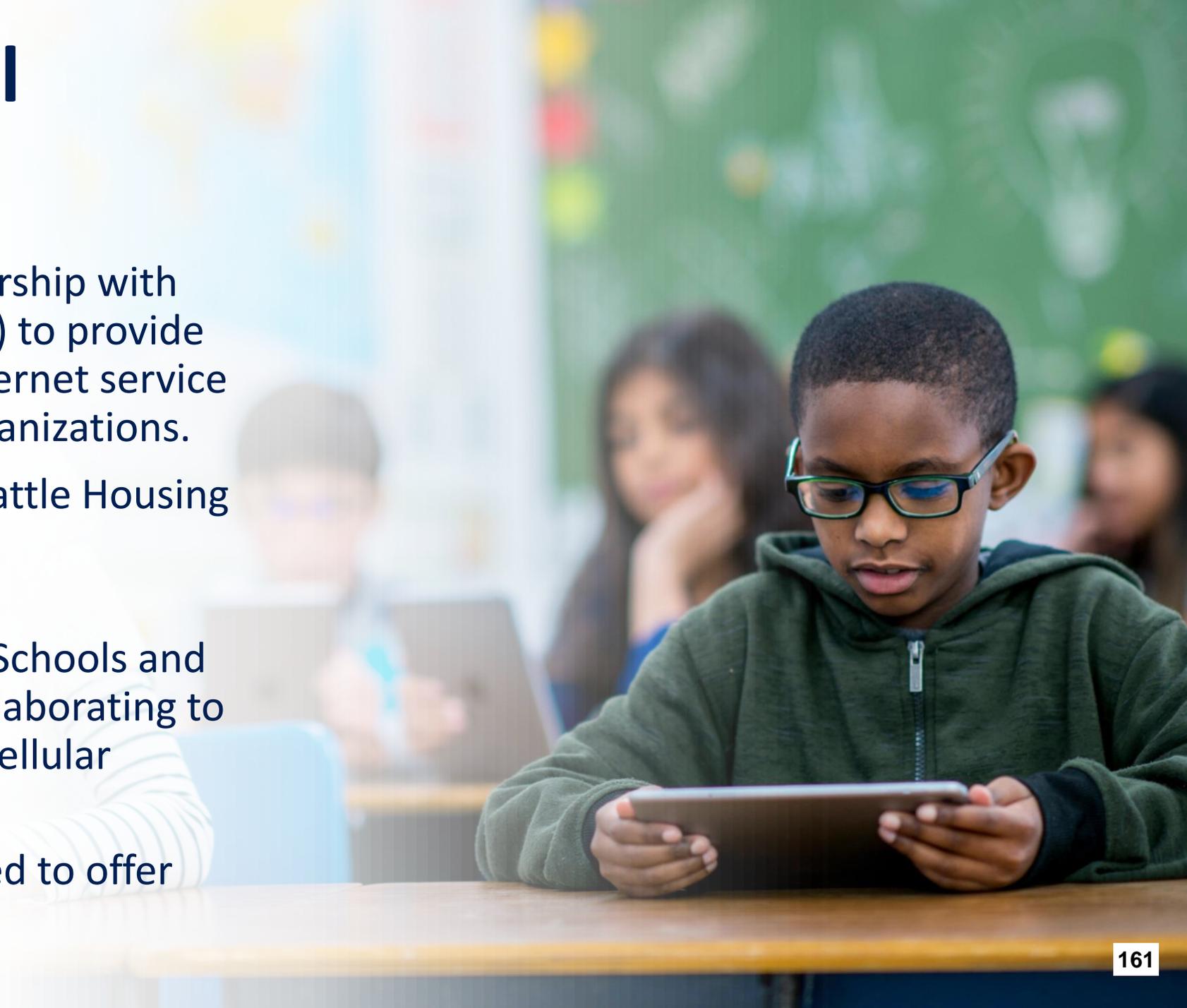
Enabling Infrastructure Improvements

- Planning for Wi-Fi upgrades began at Magnuson Community Center and Langston Hughes.
- Seattle locations targeted to deploy Community Cellular Network pilot.
- Comcast Lift Zones expanded to four locations to provide free Wi-Fi.
- Comcast and Wave increased service levels on low-income internet programs (*Internet Essentials* and *Simply Internet*) from 25/3 Mbps to 50/5 Mbps.
- Installed free business broadband at 18 new Access for All community sites.



Building Regional Partnerships

- Seattle IT developed a partnership with Lumen (formerly CenturyLink) to provide 20 complimentary Gigabit internet service connections to non-profit organizations.
- Seattle Public Schools and Seattle Housing Authority hired Digital Equity Coordinators.
- Seattle IT, UW, Seattle Public Schools and Seattle Housing Authority collaborating to support Seattle Community Cellular Network pilot.
- TechConnectWA.com launched to offer tech support

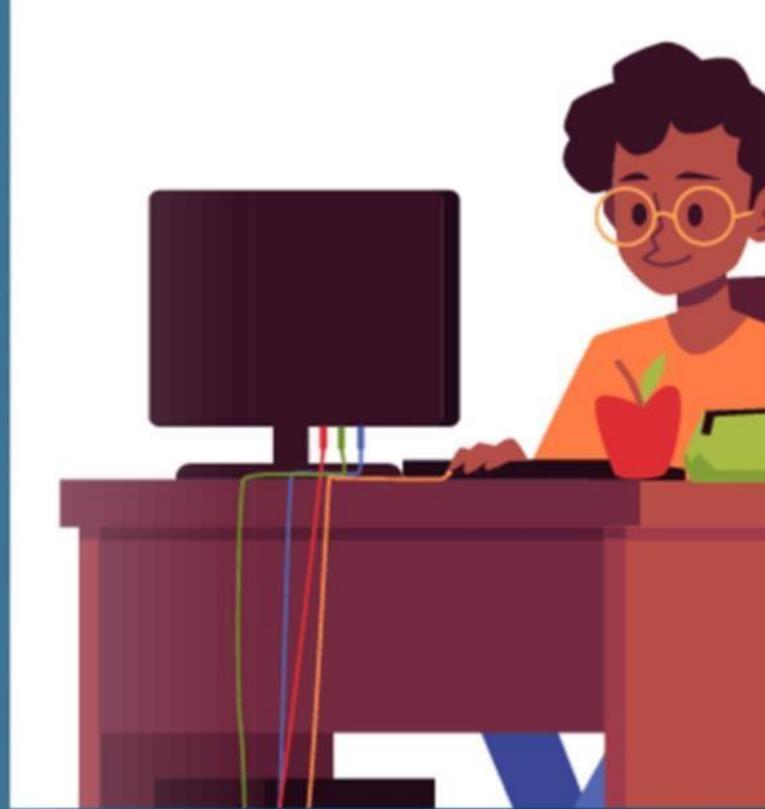


Monitoring Policy Opportunities

- Federal Emergency Broadband Benefit program (CARES ACT, COVID-19 Relief)
- American Rescue Plan Act: Targeted funding + flexible local & state recovery funds for direct community support to improve digital equity.
- Proposed American Jobs Plan (Infrastructure Bill)
- WA State: Proposed \$7.5 M for digital navigators plus support for digital equity data dashboard and digital inclusion in the State Broadband Office.
- Upcoming King County Broadband Strategic Plan

LEARN MORE AT

[fcc.gov/broadbandbenefit](https://www.fcc.gov/broadbandbenefit)



COMING SOON

A program connecting eligible households to critical healthcare services and virtual classrooms

Connecting Community to Information

- Seattle IT supported over 900 resident internet service requests and outreach on low-cost internet programs to organizations serving over 3000 residents.
- The City shared vital information about internet service provider improvements to their low-income discount plans.
- The City developed a dynamic free public Wi-Fi map to be published in the second quarter.

Internet for All Work Continues...

- Promote availability of Emergency Broadband Benefit.
- Pursue Federal funding opportunities, including COVID-related American Rescue Plan Act funding.
- Exploring all opportunities to foster donations, sponsorships, and financial support from external partners (public/private).
- Administering 2021 Technology Matching Fund grants.
- Wi-Fi upgrades at Community Centers.
- Complete Wi-Fi equipment upgrades at remaining SPL branches.
- Exciting work with Seattle Community Cellular Network Pilot.
- Internet for All Seattle Dashboard
- Community Technology & Broadband team continues work on the IFA Action Plan table items.

Questions



Internet for All Seattle Update Report

2021



Contents

Internet for All Seattle Update 2021	1
Action Plan Update	1
Evaluation Update	2
Race and Social Justice Analysis Update.....	7
Appendix A: Action Plan Table Update.....	8
Appendix B: Evaluation – Additional Charts	32
Appendix C: Race and Social Justice Initiative Analysis	34



Internet for All Seattle Update 2021

In 2020, [Resolution 31956](#) was adopted by the City Council and signed by the Mayor which sets ‘the goal of enabling all Seattle residents to access and adopt broadband internet service that is reliable and affordable.’ The resolution requested a report from Seattle IT examining existing and proposed short-term solutions to increase internet access and adoption. The first [Internet for All Seattle Report](#) was transmitted to the City Council Transportation & Utilities Committee on September 14, 2020, outlining existing and proposed short-term solutions to increase internet access and adoption equitably, and a timeline for presenting subsequent reports to the Committee for the longer term, sustainable solutions of the Action Plan.

This report is pursuant to Resolution 31956 and the Transportation & Utilities Committee Chair's request to transmit the next report in the first quarter of 2021 summarizing progress on initial strategies to increase access and adoption of affordable and reliable internet service. As part of this work, the Seattle Information Technology Department has prepared the 2021 Internet for All Seattle update report for review. The report includes an update on the action plan, the evaluation and the Race and Social Justice Analysis.

This Internet for All Seattle update report and any subsequent report updates are prepared as addendums to the first Internet for All Seattle report and serves as a progress update.

Action Plan Update

Over the last six months, the City has undergone significant change, as our region moved through various phases of the coronavirus response plan and measures to ensure our safety. During this tumultuous time, the City has looked to the Internet for All Action Plan as a framework to move closer to our goal of universal internet adoption. The City and our public and private sector partners have strived to make a positive impact, despite working within constrained resources. We focused on activities to meet immediate needs, like distributing devices, hotspots and vital information to community, as well as laying the groundwork for the future by establishing new partnerships, enhancing our technology infrastructure and tracking legislative opportunities.

Some of the highlights of our activities included:

Driving Resources to Communities in Need

- Seattle IT invested \$320,000 in Technology Matching Fund grants to 15 community-based organizations.
- Seattle Public Schools distributed 43,000 laptop/iPads, 3,200 hotspots/internet codes and launched 8 tech support centers.
- The Seattle Public Library increased hotspots circulation to 1335 with 410 targeted to specific communities.
- Office of Economic Development provided 174 hotspots to Digital Bridge job seekers.
- Human Services Department secured 138 hotspots for a Social Connectivity project for seniors.

Enabling Infrastructure Improvements

- Planning for Wi-Fi upgrades began at Magnuson Community Center and Langston Hughes.
- Two Seattle locations have been selected to deploy a Seattle Community Cellular Network.
- Comcast Lift Zones have been expanded to four locations to provide free Wi-Fi.



Building Regional Partnerships

- Seattle IT developed a partnership with Lumen (formerly CenturyLink) to provide 20 complimentary Gigabit internet service connections to non-profit organizations.
- Seattle Public Schools and Seattle Housing Authority hired Digital Equity Coordinators.

Monitoring Policy Opportunities

- The City tracked timely legislation for digital equity, including the FCC Emergency Broadband program, federal COVID-29 relief and infrastructure bills, and Washington State bills for digital equity.

Connecting Community to Information

- Seattle IT supported 1,800 customer service requests and conducted low-cost internet outreach to 3000 residents.
- The City developed a dynamic free public Wi-Fi map to be published in the second quarter.
- The City shared vital information about internet service provider improvements to their low-income discount plans.

More detail on progress of Action Plan is provided in the [Appendix A: Action Plan Table Update](#).

Evaluation Update

The Internet for All Seattle report provided a full gap analysis of internet adoption in Seattle. To measure progress in closing the gaps identified in this first report, the City plans to conduct research in 2022 to update the 2018 Technology Access and Adoption Study. This plan is contingent on funding. New research will provide a comprehensive view into Seattle residents' access and adoption of internet and technology. Key metrics will be compared to the last study to track our progress over time. The next survey would be the fifth time this residential digital equity data has been collected since 2000.

To better understand the City's progress in closing the gaps until we conduct the next population-level survey, Seattle IT solicited input from multiple City departments and external partners. We gathered survey data from six City departments, four public agencies, and four private sector & philanthropy partners for this interim report. Seattle IT's reporting includes data provided by 13 community organizations funded for digital equity programs in 2019-2020. Other reports also roll-up information from multiple community-based partners & grantees. The response to the survey was voluntary, and no formal verification of the data has been conducted. The data generally reflects work since the pandemic began through 2020, though some data reflects work into Quarter 1, 2021. Different agencies aggregate and report based on different time frames (e.g. school year or calendar year). A list of participating organizations to the survey is provided in [Appendix B](#).

2020 Data Collection Results

While the numbers do not paint the full picture of our regional efforts to address digital equity, the highlights below provide insight on ways the City and our partners responded to meet community connectivity needs. Demand for and the importance of affordable connectivity was amplified given COVID-19 restrictions and guidelines, and the City ramped up efforts to share low-cost broadband options to over 3,200 residents throughout Seattle. To fill the gaps and connect residents close to where they live and gather the City enabled 670,632 Wi-Fi connections at libraries and other public sites. We also supported sponsored internet at 252 community locations through partnerships with local internet service providers. Digital literacy remained a persistent challenge for low-income residents, limited-English speakers, and others furthest from equity.



Collectively our region provided 5,818 hours of digital skills training to 5,228 residents and helped over 40,520 residents with tech support. Additionally, 12,979 residents who struggled to pay for basic Internet even at discounted rates, received free connectivity through mobile hotspots or cable broadband connections. The region also stepped up to donate 9,000 devices and loan 40,000 devices to those in need.

Outreach & Assistance	Internet Connectivity	Devices	Digital Skills & Technical Support
----------------------------------	------------------------------	----------------	---

 **Outreach & Assistance**

The Seattle IT Cable & Broadband Office provided this assistance to residents in 2020.

921	834	482	1000+
Internet Related Service Requests	Provided Internet Discount Program Information	Provided Wave Low-Income Internet Sign-Up Information	SPS & Partners Low-Income Internet Sign-Up Assistance

 **Internet Connectivity**

Mobile Hotspots & Sponsored Fixed Internet 

Mobile Hotspots Loaned	Mobile Hotspots Owned	Fixed Internet
5447	7140	392
SPS Mobile Hotspots 4084	Comcast Reported 6826	SPS Fixed Internet 176
Seattle Public Library (1335) plus other City of Seattle supported programs 1363	City of Seattle Supported Programs 314	Other Fixed Internet 216



Broadband for Organizations (Access for All)

By providing broadband connectivity and computers to organizations, the City and our private and non-profit partners assist those working directly with residents to help them build skills, access services, obtain computers, and get technical support.

Through the **Access for All Broadband Program**, internet service providers provide 3rd tier business class internet to community organizations providing access and/or training.

18

New Sites Added in 2020

252

Total Sites Served

\$470,880

Value of Service for 2020

Public Wi-Fi

Following the closures of facilities due to the pandemic, there continued to be resident use of Wi-Fi access points outside libraries and community centers, and use increased as the Parks' Community Centers opened on a limited basis for childcare and teen learning support. The City of Seattle currently provides exterior public Wi-Fi in limited areas at two locations: City Hall and at Seattle Center. In addition to the municipal Wi-Fi access reported here, Comcast provided public Wi-Fi through their commercial system.

473,777

Seattle Public Library
Connections Made in 2020

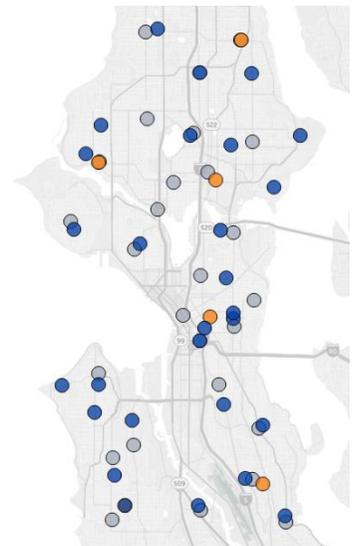
196,855*

Other City of Seattle Sites
Connections Made in 2020

50

Total Public
Wi-Fi Locations

* Full data set for City sites not available currently. Data is based on Meraki access point reports at 23 sites.





Devices

The following describes the total devices distributed by all partners through City department programs, Seattle Public Schools, and others responding to the data collection survey.

Devices distributed for participants/clients to own



8,235

Chromebooks



836

Laptops



285

Desktops



34

Tablets

Devices loaned to participants



80

Chromebooks



31,217

Laptops



0

Desktops



12,054

Tablets

Assistive Devices

62 people were provided with assistive technology hardware. Thirty-two of these were provided through City programs.

Devices for Organizations:

107 laptops and Chromebooks were distributed to organizations for them to use in providing services.

57

Laptops

50

Chromebooks

29

Tablets

136

Total



Digital Skills & Technical Support

The City and community partners report that nearly 6,000 hours of digital skills training and support were delivered, serving 5,228 residents. In addition to this, Seattle Public Schools (SPS) reports serving 40,520 participants through a mix of phone and in-person support by SPS staff (34,480 served) along with Digital Learning professional development programs for educators and staff, family and community-based organizations, and mentors. Sea.citi is also a strong partner in this effort, and its network of volunteers assisted 1,200 people with Chromebooks and use of online school services. The pandemic has resulted in the growth of both the need and delivery of technical support programs. There has been a blending in the delivery of traditional technology assistance with “digital navigation” to help provide a mix of technical aide, resource referral, and guidance in using online services and applications.





Race and Social Justice Analysis Update

Race and social justice is a key pillar of Internet for All (IFA), and the IFA resolution requested Seattle IT to apply a Racial Equity Toolkit to the strategies and Action Plan included in this report.

The [first Internet for All Seattle Report](#) detailed the internet adoption gap for Seattle residents and outlined short-term actions and long-term solutions to increase internet access and close the gap. By analyzing the City's recent [2018 Technology Access and Adoption Study](#) augmented with Census American Community Survey data, and consistent with findings from similar research from King County, we find that this gap is concentrated geographically in certain areas of the City. IFA's roadmap and action plan strives to close the remaining gap.

Areas of Central and South Seattle represent the largest portions of the 5% gap in internet adoption:

- South Central Seattle (Pioneer Square, Yesler Terrace, and International District)
- South Seattle (New Holly, Rainier Valley, and Beacon Hill)
- West Seattle (High Point and South Park)
- Areas of downtown
- Lake City

When the City looks at key demographic groups without internet in their home, we see those who are low-income, household members living with a disAbility, English is not their primary language, those with less formal education, Seattle Housing Authority households, older adults, and BIPOC (Black, Indigenous, and People of Color). COVID-19 has magnified the impact for these key groups and families requiring internet for work and schooling purposes. The completed analysis is provided in [Appendix C](#).



Appendix A: Action Plan Table Update

As noted in the first *Internet for All Seattle* Report, Seattle IT welcomed additional feedback from the City Council and stakeholders to refine the Report recommendations. The proposed action items required additional collaboration and refinement with partners and stakeholders. Based on this ongoing work, Seattle IT updated the description for a few of the Actions and consolidated some of the proposed Actions to reflect the updated strategy and most effective approach. The following table maintains the consistent formatting from the first Internet for All Seattle Report with a row added below each action item to provide a progress update. The table includes a status update and a summary of the steps and actions taken to describe the developments.

The description for Phase 1, Phase 2, and Phase 3 from the first Internet for All Seattle Report is provided here for reference.

- **Phase 1:** Actions for immediate implementation. Implementation requires minimal modifications to existing program operations. Priority focus are students and job seekers during COVID-19 and economic recovery.
- **Phase 2:** Short-term implementation actions that require additional time to complete resource estimate and planning before implementation. Continue focus on students and job seekers.
- **Phase 3:** Long-term implementation actions that require significant planning; one-time and ongoing annual cost estimates; modification and integration with existing programs; and strategic planning for a best-in-class, scalable telecommunication infrastructure.

Strategy 1. Increase awareness and adoption of low-cost internet programs and devices.

Action 1.1	Phase 1	<p>Ramp up the City’s outreach and engagement about low-income programs for residents and nonprofits.</p> <p>Prioritize outreach to reach low-income households, BIPOC, students, and job seekers.</p> <p>Leverage the City’s website by adding content on pages that engage low-income residents, such as the Affordability portal, the main Utility Assistance Program, Fresh Bucks, and others.</p> <p>Leverage City staff that engage directly with priority communities:</p> <ul style="list-style-type: none"> ○ DON Community Liaisons to share content and develop in-language videos or audio voiceovers. ○ SPL staff to answer phone calls to inform patrons about broadband options. ○ HSD staff to promote content through digital forums, such as their Aging and Disability Service sponsored community coffee hours. ○ FAS Mobile Customer Service Center vans <p>Conduct outreach with partner organizations and existing networks, such as affordable housing communities, faith institutions, and digital navigators.</p> <p>Conduct outreach through low-tech channels, such as mailings and phone calls.</p>
---------------	------------	---



		<p>Continue to provide information to the City’s Utility Discount Program enrollees about low-income discount programs offered by internet service providers.</p> <p>Explore working with other public agencies so they can refer people to low-cost internet programs.</p>
Action 1.1	Phase 1	<p>Status: Ongoing</p> <p>2021 Update:</p> <ul style="list-style-type: none"> • In 2020, Seattle IT supported 1,800 customer service requests, including 900 related to low-income internet. • Seattle IT conducted low-income internet outreach to the Southeast Seattle Senior Center, Central Area Senior Center, Helping Link, Literacy Source, HSD’s Youth Employment service program, and the Digital Equity Learning Network. Together the programs reach over 3,000 clients around the Seattle area. • Current information on low-cost internet program offerings, including translated information tables, is provided on the Mayor’s COVID-19 webpage and Seattle IT’s Office of Cable Communications webpage.
Action 1.2	Phase 1	<p>Explore working with other public agencies so they can refer people to low-cost internet programs.</p>
Action 1.2	Phase 1	<p>Status: Closed (Item 1.2 has been updated and consolidated with Action 1.1 based on additional staff feedback with a related overall purpose in Action 1.1. Action 1.2 is now considered closed and will be tracked as part of Action 1.1.)</p>
Action 1.3	Phase 1	<p>Partner with Seattle Public Schools to promote and support internet sign-up events.</p> <p>Continue to support internet sign up events in priority digital equity zones. Explore opportunities to work with organizations and digital navigators.</p>
Action 1.3	Phase 1	<p>Status: Closed (advisory only.) Future collaboration and updates with Seattle Public Schools on low-income internet outreach and enrollment will be tracked as part of Action 1.1.</p> <p>2021 Update:</p> <ul style="list-style-type: none"> • Seattle Public Schools (SPS) completed internet sign-up events for the ramp up to the start of school. City staff assisted with the events. • SPS has sponsorship agreements in place with Comcast and Wave and continues to enroll people directly through the schools. They utilized Levy funds with COVID-19 relief funds from the Office of Superintendent of Public Instruction (OSPI) to sponsor internet service for student families. For the 2020-2021 school year (Sept-June) OSPI reports that they reimbursed Seattle Public Schools up to \$15/family for 1,366 accounts and paid Comcast directly for another 16 families. • Starting in the fall of 2020, SPS students and families have been able to receive



		<p>internet sign-up and other technical assistance and support for devices and use of online school services at eight Technology Support Centers around the city as well as through an available Student Tech Line for students and staff.</p> <ul style="list-style-type: none"> SPS hired their first Digital Equity Manager in December 2020. The new position will be involved in helping with communications and strategy on connecting student families to the internet and tech support services.
Action 1.4	Phase 3	<p>Explore one-stop portal for enrollment/verification in all low-income programs, including access to internet (using Affordable Seattle model/website).</p> <p>Implement a cloud-based, integrated system so that it is easy and simple for residents to access all affordability programs from one platform, including mobile app enrollment capabilities.</p>
Action 1.4	Phase 3	<p>Status: While this is a Phase 3 action item, the following efforts have occurred since the initial Internet for All Report.</p> <p>2021 Update: The most recent engagement with Google.org and the Innovation Advisory Council’s Affordable Seattle 2.0 scope targets to create a system where residents submit their information to the City of Seattle once and have the option to enroll in multiple programs across agencies. This effort provides the most promising opportunity to assess the feasibility of also integrating low-income internet program enrollment with third-party sign-up sites like Comcast and Wave.</p>

Strategy 2. Expand free or low-cost connectivity options in targeted areas of the city.

Action 2.1	Phase 1	<p>The Seattle Public Library will upgrade Wi-Fi equipment at all branches.</p> <p>Seattle Public Library (SPL) will explore the project costs associated with extending Wi-Fi coverage to outside the branch buildings.</p> <p><i>*The description for this action has been updated from the initial IFA Seattle Report based on updated information provided by the Seattle Public Library Technology Officer.</i></p>
Action 2.1	Phase 1	<p>Status: In-progress by SPL with updated deployment schedule.</p> <p>2021 Update: SPL completed Wi-Fi upgrades at nine branches (South Park, International District, Lake City, Northgate, Northeast, Ballard, Green Lake, Wallingford, Madrona) with 18 branches remaining. All Wi-Fi equipment upgrades are now expected to be complete by end of Q2-2021.</p>
Action 2.2	Phase 1	<p>Continue to provide access to public computer kiosks and Wi-Fi in many of our City’s community centers, libraries, and certain City-owned facilities.</p> <p>Explore expansion of hours as part of economic recovery effort once locations are allowed to reopen to the public.</p>



Strategy 2. Expand free or low-cost connectivity options in targeted areas of the city.

Action 2.2	Phase 1	<p>Status: On standby in compliance with the Governor’s four-phase Safe Start plan.</p> <p>2021 Update: City Parks and Recreation Community Centers that have been opened on a limited basis to serve as teen hubs and childcare facilities have Wi-Fi and public computer kiosks available.</p>
Action 2.3	Phase 1 & Phase 2	<p>Develop GIS Mapping Application for public Wi-Fi.</p> <p>Publish dynamic GIS Wi-Fi map of City public sites. Conduct a marketing campaign to promote availability. While the majority of these locations are temporarily closed to the public due to COVID-19, the GIS mapping links to additional Wi-Fi strategies. Include crowdsource capability for identifying non-City outdoor Wi-Fi available to the public. Either develop a crowdsource app for identifying other non-City facility outdoor Wi-Fi and/or encourage the use of Openwifispots.com, which identifies almost 350 free hotspots at coffee shops, restaurants, hotels, and other businesses across the City.</p> <p>Develop a “Seattle Digital Equity Atlas” using existing data layers to identify opportunities to strategically deploy Wi-Fi. Improve data reporting on use of current city Wi-Fi and cross-reference existing infrastructure and community need. Enhance ITD’s data system for reporting on guest Wi-Fi to provide monthly reports on levels of Wi-Fi use. Develop a system to integrate this with SPL data and other Wi-Fi provider data and map it to provide public information and data driven strategic planning for meeting future needs.</p>
Action 2.3	Phase 1 & Phase 2	<p>Status: In-progress.</p> <p>2021 Update:</p> <ul style="list-style-type: none"> • Seattle IT is set to launch the dynamic Free Public Wi-Fi map of City public sites in Q2-2021. • Initial elements of the Seattle Digital Equity Atlas have been created and used to support Action 2.12 (Develop proposal to strategically deploy more public Wi-Fi in digital equity zones). Based on data, the priority digital equity zones are: 1) Yesler Terrace, 2) South Park, 3) Rainier Beach – Rose St., and 4) Othello/New Holly.
Action 2.4	Phase 1	<p>Leverage 5G Wireless Technology</p> <p>Continue to ensure equitable roll-out of small cell attachments to support high-speed broadband access in underserved neighborhoods.</p> <p>Identify and remove barriers to deployment of infrastructure needed for 5G technology, including installation of fiber and small cells.</p> <p>Explore policies, strategic partnerships, and leverage existing city assets to encourage investment in, and expedite the deployment of 5G technology.</p> <p>Advocate and partner with carriers for low-cost internet plans and free public Wi-Fi.</p>
Action	Phase	<p>Status: Ongoing</p>



Strategy 2. Expand free or low-cost connectivity options in targeted areas of the city.

2.4	1	<p>2021 Update:</p> <ul style="list-style-type: none"> • Small cell deployment activity in the City is monitored for roll-out through a quarterly update and review of Seattle City Light’s (SCL) pole attachment permits overlaid onto the City’s Racial & Social Equity Index map. The map is used to focus conversations across departments and with wireless carriers on the City’s priority of having equitable access to next generation wireless networks across Seattle and in digital equity zones. • Seattle IT, SCL, and Seattle Department of Transportation (SDOT) held a series of targeted discussions to consider policies and practices raised by wireless carriers as potential barriers to investment in, and expedited deployment of, next generation wireless networks. Discussions are on-going and are focusing on viable practices that could reduce network construction time and costs to encourage digital equity zone small cell deployments. • All wireless providers report making system improvements in 2020 that are initial elements of next generation (5G) networks in Seattle. The improvements are citywide and benefit all 4G LTE users by increasing network capacity, reducing congestion, and supporting higher connectivity speeds.
Action 2.5	Phase 1	<p>Conduct Wi-Fi assessment for small businesses and HSD community providers</p> <p>To ensure sufficient bandwidth, partner with the Seattle Human Services Department (HSD) HSD to assess the broadband capacity at critical community service sites, including homeless shelters, nutrition sites, senior living facilities, senior centers, and others. Ensure connectivity for older adults, low-income, and insecurely housed residents.</p> <p>Partner with the Seattle Office of Economic Development (OED) to assess small business needs.</p>
Action 2.5	Phase 1	<p>Status: Ongoing</p> <p>2021 Update:</p> <ul style="list-style-type: none"> • Seattle IT has begun reaching out to BIPOC and community providers to gauge needs and to provide support for connectivity. • Seattle IT participated in planning sessions for the Africatown Land Trust William Gross Center and referred them to potential internet service providers. • Six organizations receiving Technology Matching Funds in 2020 reported providing low-income, insecurely housed, BIPOC communities with over 185 hours per week of community Wi-Fi. On average, 95 individuals accessed this connectivity on a weekly basis.
Action	Phase	<p>Partner with Seattle Public Schools to increase hotspot devices available for distribution to</p>



Strategy 2. Expand free or low-cost connectivity options in targeted areas of the city.

2.6	2	students to enable remote learning.
Action 2.6	Phase 2	<p>Status: Closed (advisory only)</p> <p>2021 Update: Action 2.6 is now considered closed and further updates will be provided through Action 1.1 above.</p>
Action 2.7	Phase 2	<p>Advocate expansion of the hotspot devices program to address high-priority resident needs through the Seattle Public Library hotspot program.</p> <p>Expand the SPL hotspot program that provides devices for extended loan periods to target populations, including Seattle Public Schools families, unemployed job seekers, and insecurely housed residents living in Tiny Home Villages.</p> <p>*The description for this action has been updated from the initial IFA Seattle Report.</p>
Action 2.7	Phase 2	<p>Status: Ongoing</p> <p>2021 Update: The Seattle Public Library (SPL) increased the number of available hotspots for 2021, with the addition prioritized to organizations and programs services serving BIPOC residents, insecurely housed, survivors of domestic violence, students, and families. SPL now has 1,335 hotspots with 925 in general circulation for residents and 410 going for the targeted digital inclusion programs, which currently includes 50 for students at the World School, 35 for students being served by the City Parks and Recreation Teen Hub program, and 325 to other community organizations (including Somali Safety Task Force, Sacred Heart Shelter, API Chaya and others).</p>
Action 2.8	Phase 2	<p>Explore new models to distribute hotspot devices through partnership with BIPOC organizations.</p> <p>Building off the success of the SPL hotspot program, explore partnership opportunities with other City departments and non-City organizations who could loan hotspot devices to BIPOC communities.</p>
Action 2.8	Phase 2	<p>Status: Ongoing.</p> <p>2021 Update: Office of Economic Development (OED) provided 174 hotspots to Digital Bridge participants with 1-year prepaid subscription. See Action 3.3 for more information.</p>
Action 2.9	Phase 2 and Phase 3	<p>Upgrade Wi-Fi access points in Seattle Parks & Recreation Community Centers.</p> <p>Complete upgrade of all SPR Community Center Wi-Fi systems. Expand coverage area with exterior Wi-Fi Access Points.</p>
Action 2.9	Phase 2 and Phase 3	<p>Status: Ongoing</p> <p>2021 Update:</p> <ul style="list-style-type: none"> Seattle IT and Seattle Parks and Recreation (SPR) upgraded Wi-Fi service to those community centers that were opened for childcare and Teen Hubs. Seattle IT boosted



Strategy 2. Expand free or low-cost connectivity options in targeted areas of the city.		
		<p>the bandwidth provision to ensure sufficient capacity for these programs to operate.</p> <ul style="list-style-type: none"> Planning is underway on external Wi-Fi at Magnuson Community Center and on both internal and external Wi-Fi upgrades at Langston Hughes. The technical site survey of Magnuson has been completed. Both of these locations will require Landmarks approval for attaching any external equipment.
Action 2.10	Phase 2	<p>Work with Seattle Public Schools to examine feasibility of expanding Wi-Fi system to the exterior in safe public use locations.</p> <p>Interior Wi-Fi is currently restricted to staff and students with SPS logins. SPS was able to boost interior Wi-Fi access point radio signals to provide some expanded coverage near entryways at select schools but would need to add exterior access points to significantly expand coverage to outdoor areas.</p>
Action 2.10	Phase 2	<p>Status: Closed (advisory only). Seattle Public Schools (SPS) is continuing to provide the current Wi-Fi for students and staff. There is no current SPS funding for expansion and operating costs. SPS is interested in continuing to participate in broader planning and collaboration on connectivity.</p>
Action 2.11	Phase 2	<p>Support a Seattle Community Cellular Network.</p> <p>Explore and support the development of a Community Cellular Network, which uses cellular (LTE) technologies in the recently opened Citizens’ Band Radio Service (CBRS) spectrum. A nonprofit, the Local Connectivity Lab (LCL), and the University of Washington are currently implementing the Seattle Community Cellular Network to share free or low-cost broadband access in higher-need areas throughout the city.</p>
Action 2.11	Phase 2	<p>Status: Ongoing</p> <p>2021 Update: In November 2020, the LCL received a \$50,000 King County Digital Equity grant to deploy Community Cellular Network (CCN) sites. The first site deployed in Seattle is located at the Filipino Community Service Center building in the Rainer Valley (57th & Martin Luther King Jr Way S). LCL is actively working with other Seattle community organizations to explore other viable CCN sites.</p>
Action 2.12	Phase 2	<p>Explore public agency partnerships to expand Wi-Fi coverage in digital equity zones.</p> <p>Explore partnerships with other public agencies to add public Wi-Fi. Work with the UW, area universities and colleges, Port of Seattle, and others to expand the availability of public Wi-Fi around public facilities (e.g. Wi-Fi at all transit stops). Ask the federal Government Services Administration to open public Wi-Fi at the Beacon Hill Veterans Administration and other federal facilities.</p> <p>Develop proposal to strategically deploy more public Wi-Fi in digital equity zones.</p> <p>Digital Equity locations identified in the City’s 2017 Public Wi-Fi Study and 2018 Technology Access and Adoption Study include Yesler Terrace, High Point, South Park, Rainier Vista,</p>



Strategy 2. Expand free or low-cost connectivity options in targeted areas of the city.

		<p>Othello, Rainier Beach, Lake City, SW Roxbury Street Corridor, 23rd Avenue Corridor, New Holly, and International District. These digital equity locations are deemed important to improving access to the internet for lower-income residents and were informed by findings from the 2015 Digital Equity Action Committee, Technology Access and Adoption Study, and consultation with the Mayor’s Office of Policy and Innovation, Human Services Department, and the Seattle Housing Authority.</p> <p>Information gathered from the “Seattle Digital Equity Atlas” will guide and refine the digital equity zone locations. Project planning has not occurred, and funding would need to be secured. There may be infrastructure in place that could be leveraged to deploy Wi-Fi in high need areas.</p>
<p>Action 2.12</p>	<p>Phase 2</p>	<p>Status: Ongoing. Items 2.12 and 2.15 in the first Internet for All Report are consolidated based on additional staff feedback with a related overall purpose in both action items. Action 2.15 below is now considered closed and will be tracked as part of Action 2.12.</p> <p>2021 Update:</p> <ul style="list-style-type: none"> • Free and low-cost connectivity options have been expanded in targeted areas through Comcast’s installation of Lift Zones at El Centro de la Raza (Beacon Hill), YWCA White Center (South Delridge) and YWCA Willows (NewHolly). Comcast continues work to deploy a 4th Lift Zone in Seattle, at the University Heights Center (U-District). Comcast Lift Zones provide free Wi-Fi in facilities identified to help students get online, participate in distance learning, and do their schoolwork. Along with free internet connectivity, Lift Zones provide access to hundreds of hours of educational and digital skills content to help families and site coordinators navigate online learning and are designed to serve as places where students and families can get online and access the resources they need. • Seattle Public Schools made a significant increase in Wi-Fi bandwidth to prepare for schools to reopen with the greater number of student devices. SPS had approximately 6,000 1:1 devices before COVID-19, and now has about 53,000 1:1 devices for students. To provide sufficient Wi-Fi for student needs, Seattle Schools: 1) upgraded internet circuit capacity from 10 Gbps to 100 Gbps for the whole district; 2) are upgrading Wi-Fi in middle schools and high schools in the next 6 months; and 3) are upgrading the networking between the schools and the district HQ to multiple 100 Gbps rings. There is currently no increased focus on improving outdoor coverage on school campuses; their central focus remains 100% indoor coverage for the Wireless Local Area Network (WLAN). However, SPS continues to be interested in broader solutions. • Seattle IT, SCL, and SDOT collaborated to review where planned infrastructure projects overlap in digital equity zones to help identify areas that lend themselves to pursuing public-private partnerships to promote buildout for more connectivity options. Work is on-going into Q2.



Strategy 2. Expand free or low-cost connectivity options in targeted areas of the city.		
Action 2.13	Phase 2	<p>Explore mobile public Wi-Fi buses or vans in strategic locations at strategic times.</p> <p>Add mobile hotspots to buses or vans. Include tech support and workshops in coordination with training partners. Seattle Goodwill is currently standing up a similar program using vans and connectivity from T-Mobile. This action could also support internet access for the unhoused community through mobile service vans that go to encampments.</p> <p>Consider adding mobile hotspot capacity to FAS’s existing Mobile Customer Service Center van and deploy van to strategic locations in need of Wi-Fi capacity (e.g., unhoused community encampments).</p>
Action 2.13	Phase 2	<p>Status: As a Phase 2 action, this item is planned for future exploration.</p>
Action 2.14	Phase 2	<p>Examine expansion of HSD Social Connectivity tablet distribution pilot to include Wi-Fi hotspots.</p> <p>Install Wi-Fi hotspots in senior housing facilities to provide building-wide Wi-Fi access for residents. This expands HSD’s Social Connectivity project currently underway to distribute tablets to isolated older adults.</p>
Action 2.14	Phase 2	<p>Status: Ongoing</p> <p>2021 Update: The City Council budget process dedicated \$50,000 for HSD to purchase hotspots with 1-year service to be managed by SPL through HSD Social Connectivity project. 138 T-Mobile hotspots were purchased in 2020 with distribution focused in 2021.</p>
Action 2.15	Phase 2 & 3	<p>Develop proposal to strategically deploy more public Wi-Fi in digital equity zones.</p> <p>Digital Equity locations identified in the City’s 2017 Public Wi-Fi Study and 2018 Technology Access and Adoption Study include Yesler Terrace, High Point, South Park, Rainier Vista, Othello, Rainier Beach, Lake City, SW Roxbury Street Corridor, 23rd Avenue Corridor, New Holly, and International District. These digital equity locations are deemed important to improving access to the internet for lower-income residents and were informed by findings from the 2015 Digital Equity Action Committee, Technology Access and Adoption Study, and consultation with the Mayor’s Office of Policy and Innovation, Human Services Department, and the Seattle Housing Authority.</p> <p>Information gathered from the “Seattle Digital Equity Atlas” will guide and refine the digital equity zone locations. Project planning has not occurred, and funding would need to be secured. There may be infrastructure in place that could be leveraged to deploy Wi-Fi in high need areas.</p>
Action 2.15	Phase 2 & 3	<p>Status: Closed. Internet for All Report Items 2.12 and 2.15 are consolidated based on additional staff feedback with a related overall purpose in both action items. Action 2.15 is now considered closed and will be tracked as part of Action 2.12.</p>
Action	Phase	<p>Explore a digital version of the Adopt-A-Highway program to fund publicly available Wi-Fi.</p>



Strategy 2. Expand free or low-cost connectivity options in targeted areas of the city.		
2.16	3	<p>The City could consider the innovative approach of creating a digital version of the long-standing, widely supported Adopt-A-Highway program to fund publicly available Wi-Fi. This option could allow for the City to incur costs for initial infrastructure build-out and seek private sponsorship to cover ongoing costs related to operations, support, and service. The Wi-Fi guest screen could possibly include advertisement.</p> <p>Research feasibility of sponsored Wi-Fi to develop and sustain availability. Explore increasing public Wi-Fi at low or no cost to the City through models that are supported by advertising and other revenue-generating streams. The City needs to examine the business feasibility and public policy implications of these models and engage the community to determine how these approaches would work in Seattle.</p>
Action 2.16	Phase 3	Status: As a Phase 3 action, this item is planned for future exploration.
Action 2.17	Phase 3	<p>Explore development of sponsored internet kiosk program.</p> <p>The public can access the Wi-Fi signal from a kiosk up to 150 feet away and will just need to sign on to the hotspot network. Internet kiosks can provide speeds up to 300 Mbps and support hundreds of Wi-Fi users at a time. The kiosks would each need to have a fiber connection and be equipped with Hotspot 2.0, allowing users with Hotspot 2.0 enabled devices to automatically connect to nearby hotspots and enjoy automatically encrypted browsing. (Case study: New York City’s LinkNYC hotspot kiosks)</p> <p>Explore possible partnerships with other public agencies.</p>
Action 2.17	Phase 3	Status: As a Phase 3 action, this item is planned for future exploration.
Action 2.18	Phase 3	<p>Foster development of discounted wireless data service products that utilize mobile infrastructure.</p> <p>Approach cellular service providers to develop low-income data service plans that offer similar service levels and price to low-cost wireline service programs (e.g., <i>Internet Essentials</i>, <i>Simply Internet</i>).</p>
Action 2.18	Phase 3	Status: Item 2.18 consolidated with item 5.2 based on additional staff feedback with a shared overall purpose in the action items. Action 2.18 is now considered closed and will be tracked as part of Action 5.2.
Action 2.19	Phase 3	Explore feasibility of providing City fiber backhaul to strategic low-income housing locations to support free or low-priced fixed wireless internet service to residents.
Action 2.19	Phase 3	Status: As a Phase 3 action, this item is planned for future exploration.
Action	Phase	Support a model for low-income housing buildings to provide an activated high-speed



Strategy 2. Expand free or low-cost connectivity options in targeted areas of the city.

2.20	3	<p>internet service connection to all units.</p> <p>Explore the provision of an active high-speed internet service connection to all residential units in Seattle Housing Authority and other low-income multi-family housing buildings and support efforts to allow federal funding to cover the costs of implementation and provision of service. Target service levels to meet <i>future</i> broadband needs (i.e., min 100 Mbps).</p> <p>This model would eliminate barriers vulnerable populations face in navigating registration for ISP service programs, meeting eligibility criteria for low-cost programs, and paying monthly ISP bills. It would also allow for bulk pricing to support higher speeds offered for lower overall prices.</p>
Action 2.20	Phase 3	<p>Status: While this is a Phase 3 action item, the following efforts have occurred since the initial Internet for All Report.</p> <p>2021 Update:</p> <p>Seattle Housing Authority (SHA) hired their first Digital Equity Coordinator. This Coordinator and the SHA Digital Equity Subgroup will be working with the City to explore future internet service options and advocating for Federal policy changes to enable lower cost options.</p> <p>Seattle IT met with Bellwether Housing to explore how they can provide free, in-unit internet to residents as a way of narrowing the tech-inequity and connectivity access disparities.</p>

Strategy 3. Partner with organizations to deliver culturally relevant digital inclusion programs.

Action 3.1	Phase 1	<p>Develop a citywide asset map/directory of community-based organizations delivering digital equity programs.</p> <p>Partner with DON, OED, OIRA, ITD, DEEL, ARTS, HSD, SPR, SPL to develop inventory.</p>
Action 3.1	Phase 1	<p>Status: Action 3.1 is now considered complete and closed.</p> <p>2021 Update: The Office of Immigrant and Refugee Affairs (OIRA) developed an initial version of the asset map. The map includes community-based organizations that provide basic digital literacy programming.</p>
Action 3.2	Phase 1	<p>Support community-driven internet adoption solutions through open, competitive grant programs.</p> <p>Identify and support innovative, community-led digital inclusion projects through the Technology Matching Fund and other grant programs. Leverage this process to broker support from other partners. Adapt City grant guidelines to issue rapid response grants that serve priority populations and allow digital equity expenditures.</p>
Action 3.2	Phase 1	<p>Status: Ongoing</p>



		<p>2021 Update:</p> <p>The 2021 Technology Matching Fund cycle has concluded with 15 projects recommended for funding. The City’s budget of \$320,000 will be matched with a projected \$480,795 in community resources. The projects will reach over 2,130 residents throughout the City in historically underserved and underrepresented BIPOC communities:</p> <ul style="list-style-type: none"> • Seven will focus on limited English proficient immigrant and refugee communities; • Five will provide a lending library of devices to meeting community needs; • Five will primarily serve older adults; • Four will primarily serve youth and young adults; and • Three projects will provide services in coordination with low-income/transitional housing programs. <p>Additionally, this year’s grants address many of the challenges of working within the confines of the COVID-19 pandemic.</p> <ul style="list-style-type: none"> • Most are looking at creative solutions for transitioning back to in-person instruction, while continuing to provide hybrid options. • Hardware purchases are varied with some being distributed to students as loaners and to keep. <p>The cycle, which generated 55 applications from community members and community-based organizations representing all City Council districts, totaled \$1.28 million in requests. Verizon Foundation has committed to fund an additional project (\$25,000).</p>
Action 3.3	Phase 1	<p>Continue effective, scalable programs that address adoption barriers beyond internet access, such as digital literacy and devices.</p>
Action 3.3	Phase 1	<p>Status: Ongoing</p> <p>2021 Update: *The following updates on services delivered exemplify some of the effective work that integrates City and community resources to deliver integrated, effective programs.</p> <p>Digital Bridge workforce pilot for job seekers and workforce training partners led by the Office of Economic Development (OED), Seattle IT and Seattle Jobs Initiative (SJI) has concluded. An outcome and process evaluation along with recommendations for scaling the program to reach more residents will be completed in Q2-3. In addition to SJI’s investment, \$200,000 in initial funding was provided by OED with an additional \$50,000 for laptops from Comcast and \$18,699 for evaluation from the University of Washington Population Health Initiative’s COVID-19 Economic Recovery Research Grant program. Comcast is providing \$30,000 for continued funding in 2021 for the Digital Bridge project. Forty-eight percent of participants did not have any regular access to the internet except for free Wi-Fi.</p> <ul style="list-style-type: none"> • 193 low-income job seekers received refurbished Windows laptops with Microsoft Office suite. • 174 participants received Mobile Citizen hotspots. • 175 Northstar digital literacy assessments completed.



- Additional funding came from UW Center for Population Studies pandemic response research funds.

The Ready to Work Program assisted 109 low-income immigrants and refugees wanting to improve their English and digital literacy skills to find a job or get a better job. The program managed by the Office of Immigrant and Refugee Affairs (OIRA) provided 1,728 hours of training with many students taking multiple units. Partners included Asian Counseling and Referral Service, Rainier Beach Library, Neighborhood House at High Point, and Literacy Source.

Ageing and Disability Services of Seattle & King County (ADS) entered into a Social Connections partnership with the Washington State University King County Extension where student volunteers assisted 15 older adults in the use of their own internet-connected devices to support social connectivity during COVID-19. Through a grant from the UW - Northwest Geriatric Workforce Enhancement Center, ADS also distributed 19 tablets to older adults who need them to maintain social connectivity and connect with telehealth resources. ADS is now working to distribute Wi-Fi hotspots for older adults.

The Seattle Youth & Families Services' Youth Employment Program (SYEP) pivoted services to provide a Summer Virtual Job Readiness program to 200 16-to-24-year-old participants and then launched the School Year YEP Program. To assist those in need, they set-up 24 laptops to loan out. This program is provided through the City's Human Services Department (HSD).

The Y Social Impact Center YTech Digital Pathways program, managed by Seattle IT, provided 157 hours of digital skills and job training for 95 insecurely housed 16-to-24-year-old program participants. Eight Seattle Housing Authority students completing an introductory coding class offered by the Y the Horn of Africa Services Seattle Youth Employment Job Resource Training (SYEP JRT) received laptops. Horn of Africa Services provided 14 students with 100 hours of training through this partnership.

Black Girls Code. Seattle IT is exploring a partnership with Microsoft to host workshops for students with Black Girls Code.

The Seattle Public Library's Your Next Job program provided 265 job seeking residents with (1) online information literacy, (2) basic digital literacy, and (3) language support for navigating online employment resources. 23 of these patrons self-identified as beginner-level digital literacy. 22 of the patrons who identified as beginners requested in-language services. The in-language service and materials were made available and distributed in Amharic, Arabic, Chinese, Korean, Oromo, Somali, Spanish, Russian, and Vietnamese. SPL is creating basic digital literacy videos in-language to assist Your Next Job participants with accessing online resources, including getting a library card and searching for online in-language content.

A **Digital Skills Steering Committee** convened to develop a standardized approach to assessing digital skills across workforce development institutions locally. The Committee is led by the Office of Economic Development with Seattle IT, Seattle Colleges, Seattle Jobs Initiative, University of Washington Information School, Literacy Source, WA State DSHS, Office of Immigrant & Refugee Affairs, and Seattle Goodwill. The Committee completed development of a skills checklist for use with intake in employment training programs. The Office of Economic Development is working with Port Jobs and with Project Hire to incorporate the checklist.



Action 3.4	Phase 2	<p>Support digital navigators through a train-the-trainer model to provide 1:1 device, connectivity, and technology support.</p> <p>Often those most in need of tech assistance have barriers that are best addressed with 1:1 support by trusted community members or someone they are already interacting with. Hotlines are useful, but often not accessed by those most in need of support (language barriers, etc.). Utilizing a train-the-trainer model could more effectively bring language-accessible assistance by digital navigators directly to the community.</p>
Action 3.4	Phase 2	<p>Status: Ongoing</p> <p>2021 Update:</p> <ul style="list-style-type: none"> • Multimedia Resources & Training Institute (MMRTI) launched a family Digital Navigator Program in Q4-2020, funded through a partnership between Seattle Housing Authority and Seattle IT. The program assisted 63 residents in 7 languages from the Yesler public housing community with digital skills training and technical support. • Department of Neighborhoods (DON) completed a pilot in 2020 to build Digital Navigation skills for Community Liaisons in storytelling and video production. The Community Liaisons produced short videos to highlight community stories and the digital divide.

Strategy 4. Pursue private sector and philanthropic support.

Action 4.1	Phase 1	<p>Evaluate ways to increase the supply of refurbished devices to low-income residents.</p> <p>Promote donations of refurbished computers for low-income residents. Develop agreements with local nonprofit refurbishers, such as InterConnection and Friendly Earth, to provide free or low-cost equipment to low-income residents. Leverage the City’s Surplus Computer Program managed by FAS and HSD.</p>
Action 4.1	Phase 1	<p>Status: Ongoing</p> <p>2021 Update:</p> <ul style="list-style-type: none"> • Seattle IT met with Seattle Goodwill and Friendly Earth to outline a plan of promoting laptop donations designated for refurbishment. Laptops received at their Puget Sound region Goodwill donation sites would be picked up by Friendly Earth, refurbished and distributed to their workforce training students. Both organizations are evaluating their infrastructure needs and staffing capacity. • Seattle IT met with Mason America; a Seattle-based mobile infrastructure start-up interested in providing devices to support digital equity efforts in Seattle. Discussed an opportunity for Mason America to partner with the UW Local Connectivity Lab for their Community Cellular Network pilot. • As noted in Action 3.3, the Digital Bridge workforce pilot, through a \$50,000 grant



		<p>from Comcast to InterConnection, provided for 193 refurbished laptops to low-income residents enrolled in their job training and placement programs. InterConnection provided the laptops with one-year warranties and loaded with Microsoft Office suite applications.</p>
Action 4.2	Phase 1	<p>Support promotion of donations from the City’s COVID-19 donation webpage to solicit support for internet adoption.</p>
Action 4.2	Phase 1	<p>Status: Completed</p> <p>2021 Update:</p> <ul style="list-style-type: none"> Information and links to partner donation sites added to "I Want to Donate/Volunteer" on http://www.seattle.gov/mayor/covid-19#iwanttodonatevolunteer.
Action 4.3	Phase 2	<p>Explore all opportunities to facilitate donations, sponsorships, and financial support from external partners (public/private). <i>*Updated 4.3 Action Plan heading to describe consolidated items.</i></p> <p>Partner with a nonprofit organization or foundation to manage an “Internet for All fund”.</p> <p>Develop a process for the City to accept money and donations for digital equity projects. Explore partnership with United Way of King County to create a model like the Cleveland Foundation’s Digital Excellence Initiative. Create a “Round Up for Digital Equity” program to solicit donations at checkout in grocery stores.</p> <p>Develop a device and internet hotspot sponsorship program.</p> <p>Explore partnership opportunities to fund donations of devices and internet service to be distributed to individuals through community-based organizations.</p> <p>Target donations to low-income areas. Scale donations to sponsor entire buildings.</p> <p>Partner with corporate and philanthropic donors to secure support for Internet for All.</p> <p>Sponsor hotspots to high priority populations.</p> <p>Advocate that ISPs provide Utility Discount Program customers with internet hotspot devices.</p>
Action 4.3	Phase 2	<p>Status: Items 4.3, 4.4, 4.6, and 7.3 in the first Internet for All Report are consolidated based on additional staff feedback with a related overall purpose in the action items.</p> <p>2021 Update:</p> <ul style="list-style-type: none"> Seattle IT reached a partnership agreement with Lumen (formerly CenturyLink) to join the City’s <i>Access for All</i> (AFA) program and provide 20 complimentary Gigabit internet service connections to non-profit organizations that provide technology and/or digital literacy services to underserved or low-income, vulnerable populations (also see Action 7.4). King County launched a Digital Equity Grant program with CARES funding to support the work of schools and community-based organizations serving historically disadvantaged communities, BIPOC, seniors, newly unemployed, disabled, and ESL residents. Grants totaling \$1.2 million went to 21 organizations; over \$800,000 went



		<p>to 14 Seattle organizations. \$1 million went to K12 Roadmap Schools, which includes South Seattle with Seattle Public Schools receiving \$76,410. The funds helped launch a new multilingual technical support line called TechConnect Washington. The support line is a project of the Equity in Education Coalition (EEC), who was also a recipient, in partnership with YearUp Pro and with additional support from Facebook.</p> <ul style="list-style-type: none"> • Seattle IT staff is working with King County as they prepare a new broadband and digital equity plan to be released in 2021. King County is interested in continuing collaboration for an update of the Technology Access and Adoption residential needs and opportunities research. • The <i>All in Washington</i> coalition launched a Digital Equity Initiative fundraising campaign in September focused on supporting student needs through school districts across the state. Seattle Public Schools has received \$75,560 to date and the surrounding districts of Highline and Renton have received a total of \$192,940. InvestED is providing the intermediary work with school districts. Donors to the fund can make statewide contributions to the digital equity support or specify the school district they want to support.
Action 4.4	Phase 2	<p>Develop a device and internet hotspot sponsorship program.</p> <p>Explore partnership opportunities to fund donations of devices and internet service to be distributed to individuals through community-based organizations.</p> <p>Target donations to low-income areas. Scale donations to sponsor entire buildings.</p>
Action 4.4	Phase 2	<p>Status: Item 4.4 consolidated with 4.3 in the first Internet for All Report based on additional staff feedback with a shared overall purpose in the action items. Action 4.4 is now considered closed and will be tracked as part of Action 4.3.</p>
Action 4.5	Phase 2	<p>Explore partnership with local banks to direct Community Reinvestment Act (CRA) support toward broadband.</p> <p>Explore partnership with local banks that have Community Reinvestment Act (CRA) obligations to direct investments toward internet adoption in prioritized areas. Broadband projects are eligible to receive CRA funding.</p>
Action 4.5	Phase 2	<p>Status: This Phase 2 action item is an item under consideration based on available opportunities.</p>
Action 4.6	Phase 2	<p>Partner with corporate and philanthropic donors to secure support for Internet for All.</p>
Action 4.6	Phase 2	<p>Status: Item 4.6 consolidated with 4.3 in the first Internet for All Report based on additional staff feedback with a shared overall purpose in the action items. Action 4.6 is now considered closed and will be tracked as part of Action 4.3.</p>



Strategy 5. Champion legislation/policies to advance universal internet adoption.

Action 5.1	Phase 1	<p>Review implementation of the “Project and Construction Coordination” policy to evaluate installation of conduit/fiber for projects in the right-of-way management system.</p> <p>Review projects for inclusion of conduit and fiber to provide more access to communications-enabling infrastructure.</p> <p>*This is Seattle’s “Dig Once” policy. Link to the coordination requirements and Seattle Municipal Code 15.32.050.</p>
Action 5.1	Phase 1	<p>Status: Ongoing</p> <p>2021 Update: On November 9, 2020, SDOT moved to the Accela permitting platform, which is accessible through the Seattle Services Portal (SSP), making SDOT’s permitting and inspections processes more consistent, predictable, and transparent for users. Since SDOT issues many different permits with varied requirements in the Street Use division, SDOT moved to Accela in phases over the last two years. The move on November 9 was the final migration for SDOT.</p> <p>The new Accela system has the ability to collect more comprehensive information including data for conduit installation and the SDOT right-of-way management system (dot_Maps) will provide data on where fiber/conduit is being installed that may inform the policy and strategy that SDOT and Seattle IT are collaborating on to promote the inclusion of conduit and fiber through the “Project and Construction Coordination (SMC 15.32.050)” policy.</p> <p>As of November 11, 2020, 371 permits or 3% of all total permits included Communication/Fiber as part of the utility information section on the permit in the Accela permitting system.</p>
Action 5.2	Phase 1	<p>Advocate for state and federal Digital Equity Act and similar legislation that will provide funding and support for state and local digital inclusion action.</p> <p>Collaborate with key advocates, including other local government CIO’s, broadband and digital inclusion leaders, National League of Cities, National Digital Inclusion Alliance, U.S. Conference of Mayors, the City’s Boards and Commissions, and representatives of BIPOC, AARP, consumer, and similar organizations.</p> <p>Foster development of discounted wireless data service products that utilize mobile infrastructure.</p>
Action 5.2	Phase 1	<p>Status: Ongoing. Item 2.18 in the first Internet for All Report consolidated with item 5.2 based on additional staff feedback with a shared overall purpose in the action items.</p> <p>2021 Update:</p> <p><u>Federal:</u></p> <p>FCC Federal Emergency Broadband Benefit program: Seattle IT led the effort to develop and submit comments to the Federal Communications Commission (FCC) regarding implementation of the \$3.2 billion Emergency Broadband Benefit (EBB) Program, with Seattle</p>



Public Schools District, Seattle Housing Authority, and the Washington State Broadband Office joining us as co-parties in the filing. The FCC's adopted [Report and Order](#) for the EBB program cited our recommendations numerous times. Seattle IT also contributed to FCC comments filed by the National Digital Inclusion Alliance (NDIA) and Next Century Cities (NCC) and was cited by NCC in their reply comments. Seattle IT is continuing to track the program rollout and is planning outreach, in partnership with the WA Broadband Office, Governor's office, Equity in Education Coalition, WSU Program for Digital Initiatives, and NDIA, to ensure a broad and effective awareness effort for eligible residents to utilize the benefit.

Continuing COVID-19 Relief and proposed Infrastructure bill:

Seattle IT provided comments to the City's federal delegation, through the Office of Intergovernmental Relations, on elements of the proposed federal infrastructure bill that could benefit broadband development and digital equity, including a digital equity grant program that the State, City and community institutions could be eligible for. Some of the infrastructure proposal builds on the Digital Equity Act proposed by Sen. Murray.

Seattle IT is monitoring passed and proposed COVID-19 relief bills where digital inclusion funding is direct or work is an allowable expense. For instance, Treasury recently released an FAQ that internet is an eligible expense in emergency rent relief. The American Rescue Plan Act provides reimbursement for school and library hotspots. Seattle IT will continue to work with the federal agencies as their programs roll out and our advocacy partners, including NATOA, NDIA, SHLB and Next Century Cities.

State:

Seattle IT's work with the Washington State Internet Access Crisis Team (I-ACT), composed of broad BIPOC organizations, educators, legislators, Governor's Office and the Department of Commerce helped result in a new [Connect Washington Coalition](#) and having the Governor's budget include a \$6.2 million proposal for digital navigators, a state digital equity data dashboard, and increased funding for digital inclusion in the State Broadband Office. We also contributed to HB1460, which proposed a state lifeline broadband program and digital equity grants for which the City and our local partners could be eligible.

Seattle IT and the Office of Intergovernmental Relations has monitored and tracked proposed broadband and digital equity bills concerning infrastructure expansion, internet and computers for students, support for digital skills development, and the right/capacity to repair computer equipment. Seattle IT advocated to protect and ensure the City's local authority over rights-of-way impacts from small cell deployments, and the ability to secure local digital inclusion public benefits, consumer protection, and permitting control.

Seattle IT's collaborators on the state policy and legislation includes the Association of Washington Cities, Connect Washington, the King County Digital Equity Learning Network (DELN), Washington Nonprofits, Washington Association of Telecommunications Officers and Advisors (WATOA), and the Association of Washington Housing Authorities.



Action 5.3	Phase 3	Explore methods to address inadequate broadband connectivity in older apartment and condo buildings, due to insufficient internal telecom infrastructure, building upon the City’s B4B-Build for Broadband initiative to foster competitive, high-speed broadband in multi-dwelling units buildings.
Action 5.3	Phase 3	<p>Status: While this is a Phase 3 action item, the following efforts have occurred since the initial Internet for All Report.</p> <p>2021 Update:</p> <p>Seattle IT explored the use of G.Fast and G.hn technologies to provide high speed internet over existing copper wiring. These solutions could potentially address slow speed offerings in older, multiple dwelling unit (MDU) buildings.</p>
Action 5.4	Phase 3	<p>Explore a policy requiring internet access in all new affordable housing investments.</p> <p>Develop a policy requiring and incentivizing buildings funded with affordable housing dollars to include internet access to each unit, particularly in high displacement areas or areas with low access to internet.</p>
Action 5.4	Phase 3	Status: As a Phase 3 action, this item is in the process of being explored.

Strategy 6. Strengthen regional collaboration by forming an “Internet for All” Coalition.

Action 6.1	Phase 1	<p>Establish an Internet for All Coalition to help advance the Action Plan.</p> <p>The coalition will meet regularly to examine partnership opportunities, receive feedback, and discuss progress on the strategies and actions. The coalition will be comprised of members from Seattle IT, City departments, City Council, Seattle Public Schools, Community Technology Advisory Board, community-based organizations, technology companies, public agencies, and telecommunication companies. The group will meet regularly for the first year from September 2020 to September 2021 and reevaluated thereafter.</p>
Action 6.1	Phase 1	<p>Status: Item 6.1 is now considered closed.</p> <p>2021 Update: Upon further examination, additional staff feedback, and consultation with Council Staff, the purpose of the Internet for All Coalition will be supported through existing Digital Equity Groups, including:</p> <ol style="list-style-type: none"> 1) Internet for All Working Group comprised of City of Seattle stakeholders; 2) Community Technology Advisory Board (City of Seattle); 3) Digital Equity Learning Network of Seattle & King County (City/County); 4) Connect Washington Coalition (State); and 5) National Digital Inclusion Alliance (National).



		<p>Seattle IT's Community Technology and Broadband Team are digital equity leaders and active participants in the five major Digital Equity groups. The updated approach and strategy upholds the initial concept of the Internet for All Coalition and aligns with takeaways from the October 28, 2020 NDIA Webinar on Coalitions:</p> <ul style="list-style-type: none"> Coalition brings groups together to brainstorm the best way to accomplish a goal, identify opportunities, common strategies, and prioritization to get the word out about what is being done, and then how to tackle that job together. Additionally, a coalition serves as a communication network allowing coalition members to share as much information as possible, which is the best approach right now.
Action 6.2	Phase 3	<p>Review opportunities to coordinate with other public entities on long-term wired and wireless infrastructure expansion.</p> <p>This may include Port of Seattle, Seattle Public Schools, Sound Transit, University of Washington, and other public agencies.</p>
Action 6.2	Phase 3	<p>Status: While this is a Phase 3 action item, the following developments have occurred since the initial Internet for All Report.</p> <p>2021 Update:</p> <ul style="list-style-type: none"> The Governor's budget includes funding for expansion of broadband planning and Seattle IT expects this may be an opportunity to review and develop opportunities as the State staffs up and begin this work. Seattle IT participates in regular meetings with the Director of the State Broadband Office. King County is developing a broadband and digital equity plan, expected to be released in Q2-2021. They consulted with Seattle IT in its development, and we expect more specific work following its release. We have already exchanged information on the Community Cellular Network project as we work towards pilot sites.

Strategy 7. Advocate to ensure Internet Service Provider offerings meet residents' needs.

Action 7.1	Phase 1	<p>Request aggregated enrollment data for low-cost internet programs.</p> <p>The enrollment data will provide key metrics for the IFA evaluation dashboard.</p> <p>The low-income internet sign-up data would be represented in its aggregated form by census tract. The City is not requesting raw data that could cause concerns related to privacy, or proprietary and competitive information. The data could go through an intermediary organization.</p> <p>We are proposing to develop a GIS dashboard displaying recent internet subscription data from the American Community Survey and other tech surveys. Coupled with internet sign-up data for census tract areas with a high internet adoption disparity, the dashboard would allow the City and its partners to effectively monitor implementation.</p>
------------	---------	--



Action 7.1	Phase 1	<p>Status: Ongoing</p> <p>2021 Update:</p> <ul style="list-style-type: none"> Comcast reports adding approximately 7,000 Seattle households to the <i>Internet Essentials</i> program during 2020. As of year-end 2020, they report a cumulative <i>Internet Essentials</i> subscriber level of 16,000 Seattle subscribers and a Washington statewide subscribe level of approximately 140,000 households. Wave reports adding approximately 305 households in Seattle to the <i>Simply Internet</i> program and 71 to the <i>Internet First</i> programs during 2020. As of year-end 2020, Wave reports a cumulative <i>Simply Internet</i> subscriber level of 759 Seattle households. There are also the 71 households on <i>Internet First</i> which was launched as a national program in 2020 to address pandemic related needs. For Seattle, Wave will continue to support <i>Simply Internet</i> as the permanent low-cost program for low-income residents.
Action 7.2	Phase 1	<p>Request to extend and improve ISP COVID-19 mitigations. Examples include:</p> <ul style="list-style-type: none"> Extend Comcast’s no-cost Internet Essentials beyond first 60 days. Extend use of Verizon and AT&T wireless phones as hotspots. Continue and expand free Wi-Fi access in low-income neighborhoods. Waive 90-day waiting period for low-income eligible households. If household is eligible, immediately shift over to low-income pricing to align to need. Increase speed level on the low-income price tier from 25 Mbps to 50-100 Mbps. Continue free use of phones for hotspots on wireless service. Foster development of wireless low-income programs.
Action 7.2	Phase 1	<p>Status: Ongoing</p> <p>2021 Update:</p> <ul style="list-style-type: none"> Comcast extended through June 30, 2021 its offer to provide new Internet Essentials eligible customers with the first 60 days of free service. The 60-day free offer was scheduled to end 12/31/2020. The extension was a nationwide policy. Comcast increased the service levels for the low-cost Internet Essentials program from 25/3 Mbps to 50/5 Mbps. Increase is applied to all current and new program participants starting March 2021. It is a nationwide and permanent program enhancement. Wave increased the service levels for the low-income internet programs (<i>Simply Internet</i> and <i>Internet First</i>) from 25/3 Mbps to 50/5 Mbps. Wave implemented the change to all current and new program participants starting in Feb 2021. Wave proactively identified a small number of customers needing modem upgrades to receive the higher-level service and shipped them for self-installation.



		<ul style="list-style-type: none"> Comcast and Wave confirmed that low-income internet programs offerings do not have data caps. Seattle IT sent all internet service providers (ISPs) serving Seattle residents (wireline and wireless) information on an FCC opportunity to learn more about participating in the FCC's Emergency Broadband Benefit (EBB) and Lifeline programs, and expressed City's interest in having all Seattle ISPs participate in the programs.
Action 7.3	Phase 1	<p>Sponsor hotpots to high priority populations.</p> <p>Advocate that ISPs provide Utility Discount Program customers with internet hotspot devices.</p>
Action 7.3	Phase 1	<p>Status: Item 7.3 consolidated with 4.3 in the first Internet for All Report based on additional staff feedback with a shared overall purpose in the action items. Action 7.3 is now considered closed and will be tracked as part of Action 4.3.</p>
Action 7.4	Phase 1	<p>Enhance the "Access for All" Program benefits.</p> <p>Appeal to ISPs to increase number of nonprofits eligible each year for the "Access for All" program that provides free high-speed internet service connections to eligible non-profit organizations located in Seattle. Consider expansion and service improvements at existing locations by providing 3rd tier business class service bandwidth, replacing old equipment, and adding Wi-Fi repeaters.</p> <p>Through the partnership and agreements with Comcast and Wave, the City can allot 25 new site connections annually (20 Comcast, 5 Wave). Many "Access for All" sites provide free internet access to their client populations.</p>
Action 7.4	Phase 1	<p>Status: Ongoing</p> <p>2021 Update:</p> <ul style="list-style-type: none"> Lumen (formerly CenturyLink) agreed to join the City's <i>Access for All</i> (AFA) program and provide complimentary Gigabit internet service connections to non-profit organizations that provide technology and/or digital literacy services to underserved or low income, vulnerable populations. Lumen has committed to providing the ultra-high capacity connections to 20 sites on its fiber network, with the sites being identified and approved for AFA participation by the City. Seattle IT is working with Lumen to determine the serviceability of some initial sites with a target to have non-profits start being connected by Lumen in April 2021. Seattle IT assisted AFA participant, the West Seattle Senior Center, with Wi-Fi planning and bandwidth issues. Seattle IT worked with Comcast to have the site service level upgraded and it is now getting the full 200 Mbps bandwidth service. The increased bandwidth supports a pilot project to train volunteers (at the Center) who will then go out into the community to provide devices and training for Seniors who do not have the ability to connect with family, friends, and services. 2021 applications for new AFA sites are underway. To date, two organizations have been approved and are being scheduled for installation with Wave. One is the Equity



		in Education Coalition (EEC) that educates people on inequities in opportunity, gaps in achievement, and ways to address the inequities that are perpetuated in the education system. The other recipient is the Quantum Martial Arts program that will use the connection to provide free Wi-Fi at its Central District site to support diverse youth program members and low-income families participating in their programs.
Action 7.5	Phase 2	Promote consumer protections for low-cost programs. Develop materials to educate and protect consumers enrolled in low-cost programs from raised fees and contract issues. Continue collaboration with national associations to advocate for federal development of consumer protections for internet services.
Action 7.5	Phase 2	Status: Ongoing
Action 7.6	Phase 3	Explore process to auto-enroll people in low-cost programs such as Supplemental Nutrition Assistance Program (SNAP) and other non-City programs serving priority populations. Provide a mobile app option for enrollment.
Action 7.6	Phase 3	Status: As a Phase 3 action, this item is planned for future exploration.

Strategy 8. Examine new technologies to ensure best-in-class internet infrastructure and consumer choices.

Action 8.1	Continually monitor other municipalities of comparable sizes to examine the financial feasibility of a municipal fiber-to-the-premise broadband system.
Action 8.1	Status: Since the first Internet for All Report, no new municipal fiber systems in cities of comparable size were reviewed. Monitoring for comparable cases will continue in 2021.
Action 8.2	Monitor and research use of technologies including Wi-Fi 6, Satellite Internet, 10G Platform, G.Fast, Citizens Broadband Radio Service (CBRS), Microsoft Airband, and WiMax.
Action 8.2	Status: On-going 2021 Update: <ul style="list-style-type: none"> The FCC took action that made more spectrum available for indoor, unlicensed Wi-Fi operations with the potential to increase capacity at our indoor public Wi-Fi locations. The FCC action has made 45 megahertz immediately available in 5.9 GHz spectrum band for indoor, unlicensed Wi-Fi operations. Most Wi-Fi equipment is expected to be able to take advantage of the spectrum with quick software upgrades. The new spectrum’s impact will be further amplified by the fact that it is adjacent to an existing Wi-Fi band, which, when combined with the new spectrum band, will enable wider channels that can be immediately used by Wi-Fi 6 to support gigabit connectivity with lower latency, improved coverage, and better power



	<p>efficiency.</p> <ul style="list-style-type: none">At the end of December 2020, Verizon has launched its Multi-access Edge Computing (MEC). Verizon's MEC (called "the 5G Edge") is in partnership with Amazon Web Services (AWS) to create a type of edge computing that tightly integrates the network and compute resources to guarantee customers latency of between 25 to 50 milliseconds, improving performance and allowing for applications to act in real-time. The platform is expected to support new innovations and be "transformative to many industries, from gaming to content distribution to industrial manufacturing." Verizon says the gains in 5G deployment was a factor in Seattle being one of the first 10 cities to launch and mentions the helpful collaboration with the City of Seattle and Seattle City Light.
Action 8.3	Examine opportunities to leverage network assets in Seattle City Light, Seattle Public Utilities, and Seattle Department of Transportation's infrastructure as a platform for low-cost wireless broadband delivery.
Action 8.3	<p>Status: On-going</p> <p>2021 Update:</p> <ul style="list-style-type: none">Seattle IT engaged the City Fiber Network Advisor in exploratory meetings to discuss the use of City fiber for Internet for All related projects. Meetings have also been conducted with Seattle Public Schools, UW, and King County for exploring possible use of fiber consortium partner resources for Internet for All related projects. As noted in the first Internet for All Seattle Report, over the last 20 years, Seattle brought together a consortium of 20 public entities to construct publicly owned fiber options to connect public facilities in the City and county and share ownership, responsibility, and use of the fiber. The current agreement and setup are not conducive to private sector use of the assets to deliver low-cost wireless broadband.Seattle IT worked with SCL to review where replacement program poles are in digital equity zones areas and to explore how the pole replacement program might provide an opportunity for wireless deployment partnering in DE Zones. Initial findings are that, due to SCL's need to closely control and coordinate replacement pole efforts in batches, it will be difficult to insert another party into the process on a discontinuous pole need basis.



Appendix B: Evaluation – Additional Charts

Data for the Internet for All Seattle update report was provided by the following City departments, organizations, and companies:

City of Seattle

- Seattle IT*
- Office of Immigrant and Refugee Affairs
- Office of Economic Development
- Human Services Department (Youth and Family Empowerment, Aging & Disability Services)
- Department of Neighborhoods
- The Seattle Public Library

Seattle Public Schools

Seattle Housing Authority

Sea.citi

King County IT

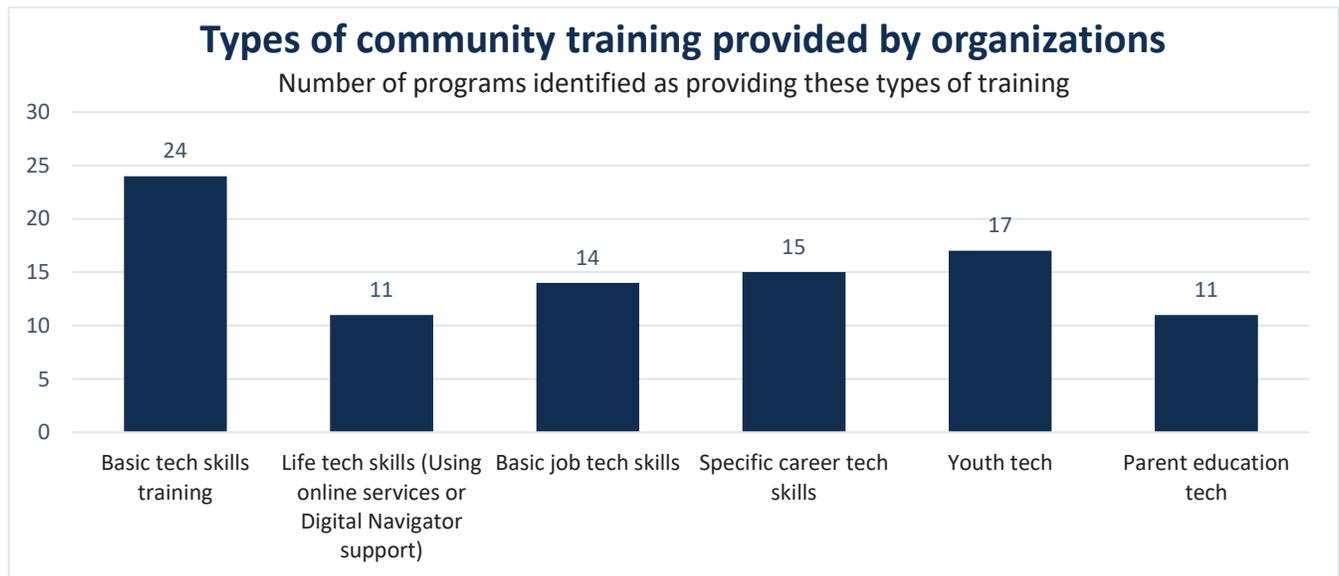
Washington State Office of the Superintendent of Public Instruction (OSPI)

Comcast

Wave Broadband

All in Washington /InvestED

* Includes data provided by 13 community organizations funded for digital equity programs in 2019-2020. Other reports also roll-up information from multiple community-based partners & grantees.





Participant Demographics of those receiving digital equity services

1) Age	Participants	Seattle Schools Programs	City supported programs
Older adults (age 60+)	191	0	191
Adults (age 25-59)	346	0	337
Young adults (18-24)	1633	1531	102
Teens (age 13-17)	13998	13847	134
Pre-teens (age 6-12)	24924	24643	27
Pre-school (age 0-5)	2200	2200	0
Unknown/unreported	1808	311	149
TOTAL:	45100		

2) Race/Ethnicity	Participants	SPS Programs	City supported programs
Black, African-American, Other African	7167	6807	360
White	19169	19077	92
Asian, Asian-American	5185	4964	221
Hispanic/Latinx/Spanish Origin	5808	5722	86
American Indian or Alaska Native	185	170	15
Native Hawaiian or Pacific Islander	188	184	4
Middle Eastern or North African	25	0	25
Other race/ethnicity	5328	5297	31
Unknown/unreported	2028	311	89
TOTAL:	45083		

3) Gender Identity	Participants	SPS Programs	City supported programs
Male	21934	21702	232
Female	20818	20383	435
Gender non-conforming, genderqueer, transgender, non-binary, other	140	136	4
Unknown/unreported	2191	311	252
TOTAL:	45083		

4) Other (if applicable & known)	Participants	SPS Programs	City supported programs
Limited English speaking	5875	5481	302
Immigrant/refugee*	336	0	336
Homeless/housing insecure	1952	1878	74
Disabled	6272	6242	30
Low-income	303	0	303
Unemployed	43	0	43
LGBTQA+	14	0	14



Appendix C: Race and Social Justice Initiative Analysis

Racial Equity Toolkit

Title of policy, initiative, program, budget issue: Internet for All Seattle

Description: On July 27, 2020, the City of Seattle adopted the Internet for All Seattle Resolution (31956), a vision of enabling all Seattle residents to access and adopt broadband internet service that is reliable and affordable. The resolution requested that the Seattle Information Technology Department provide reports and plans, including a gap analysis, lessons learned, and an Internet for All Action Plan to the City Council.

Department: Seattle Information Technology

Contact Name: Delia Burke

Contact Email: delia.burke@seattle.gov

Policy Initiative Program Budget Issue

Step 1. Set Outcomes.

1a. What does your department define as the most important racially equitable community outcomes related to the issue?

In partnership with community, we aim to achieve digital equity so that all residents have the digital access and skills they need to meet their basic needs and be connected.

For Seattle residents furthest from digital equity, the most important racially equitable outcomes from this initiative include:

- Increased internet connections.
- Increased internet hotspots distributed.
- Increased devices distributed.
- Increased digital skills training.
- Increased investments for digital equity.

1b. Which racial equity opportunity area(s) will the issue primarily impact?

- | | |
|--|---|
| <input checked="" type="checkbox"/> Education | <input type="checkbox"/> Criminal Justice |
| <input type="checkbox"/> Community Development | <input checked="" type="checkbox"/> Jobs |
| <input type="checkbox"/> Health | <input type="checkbox"/> Housing |
| <input type="checkbox"/> Environment | |



1c. Are there are impacts on:

- Contracting Equity
- Workforce Equity
- Immigrant and Refugee Access to Services
- Inclusive Outreach and Public Engagement

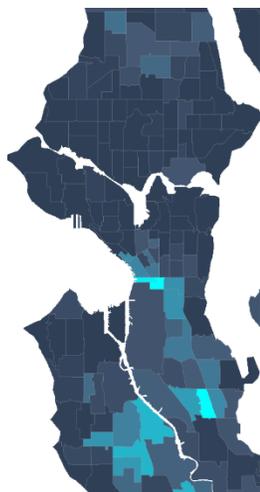
To reach the goal and expedite universal access and adoption centered on communities most impacted, Internet for All strategies are guided by several underlying principles: 1) partner with community-based organizations, 2) provide language access, and 3) ensure the City’s digital resources and communications are accessible to all.

Step 2. Involve Stakeholders. Analyze Data.

2a. Are there impacts on geographic areas? Yes No

- All Seattle neighborhoods
- Ballard
- North
- NE
- Central
- Lake Union
- Southwest
- Southeast
- Delridge
- Greater Duwamish
- East District
- King County
- Outside King County

The [first Internet for All Seattle Report](#) detailed the internet adoption gap for Seattle residents and outlined short-term actions and long-term solutions to increase internet access and close the gap. By analyzing the City’s recent [2018 Technology Access and Adoption Study](#) augmented with Census American Community Survey data, and consistent with findings from similar research from King County, we find that this gap is concentrated geographically in certain areas of the City. IFA's roadmap and action plan strives to close the remaining gap.



Areas of Central and South Seattle represent the largest portions of the 5% gap in internet adoption:

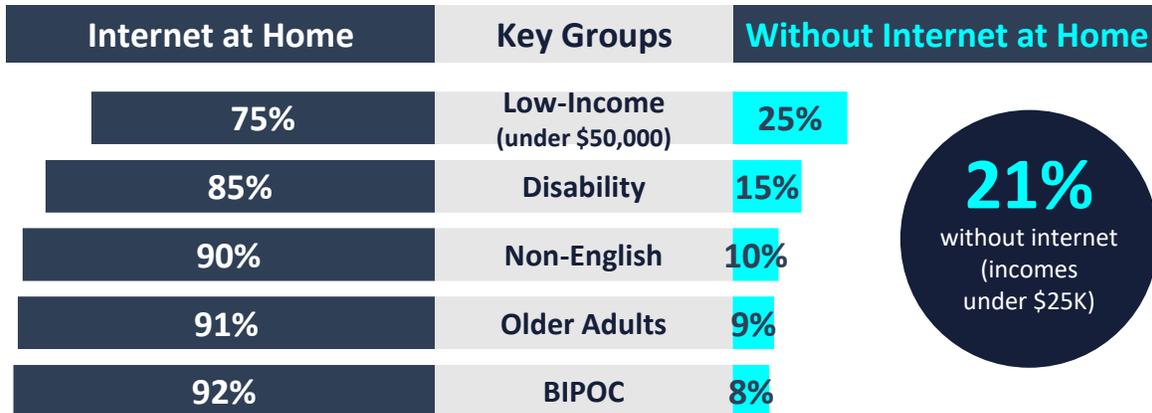
- South Central Seattle (Pioneer Square, Yesler Terrace, and International District)
- South Seattle (New Holly, Rainier Valley, and Beacon Hill)
- West Seattle (High Point and South Park)
- Areas of downtown
- Lake City

The lighter areas represent a higher proportion of residents without internet in their home.



2b. What are the racial demographics of those living in the area or impacted by the issue?

When the City looks at key demographic groups without internet in their home, we see those who are low-income, household members living with a disAbility, English is not their primary language, those with less formal education, Seattle Housing Authority households, older adults, and BIPOC (Black, Indigenous, and People of Color). COVID-19 has magnified the impact for these key groups and families requiring internet for work and schooling purposes.



A full gap analysis to better understand the gaps in affordable broadband access for Seattle residents can be found on pages 13-28 of the [Internet for All Seattle Report](#).

2c. How have you involved community members and stakeholders?

Seattle IT gathered feedback from multiple stakeholders to understand the needs and strategies to achieve universal internet adoption, including:

- City Departments,
- Internet service providers,
- Seattle Public Schools,
- King County,
- Seattle Housing Authority,
- The Digital Equity Learning Network of Seattle and King County,
- Community Technology Advisory Board,
- Technology Matching Fund grantees, and
- Seattle Music Commission’s Youth + Community Committee Digital Equity Cohort.

Other sources of feedback include recent studies and research, including:

- Black Brilliance Research Project,
- ITD/UW Digital Skill Sets for Diverse Users research,
- OED’s regional economic development strategy,
- OED/SIT Digital Skills Steering Committee and UW research,



- National Digital Inclusion Alliance best practices,
- Seattle Job Initiative “Essential Employability Skills: Digital Literacy”,
- 2018 Technology Access and Adoption Study,
- 2017 Plan for Facilitating Equitable Access to Wireless Broadband Services in Seattle, and
- Seattle Housing Authority resident engagement survey.

2d. What does data and your conversations with stakeholders tell you about existing racial inequities that influence people’s lives and should be taken into consideration?

From our data, we learned that race is a key factor in internet adoption. For example, the data shows that:

- 49% of African/African American residents had below average online skills.
- 8% of BIPOC and 10% of limited English proficient residents have access to reliable home internet connections.

Additionally, community stakeholders have shared the following:

- “Many community members have identified that, in addition to access to internet, access to a computer is one of the biggest barriers they face regarding digital equity. While some families might have one computer, this is not sufficient for homeschooling and such when there are several kids in one household and more than one working parent that might also need access to a computer.” –Alberto Rodriguez who leads the Duwamish Valley Program
- “I’m happy to see the City adopt the Internet for All resolution because this is a social justice issue,” said Cat Howell, Educational Director for Literacy Source, an organization providing free learner-centered basic education to low-income adults in the Seattle area. “We see every day the impact of no or limited internet access on the Literacy Source students’ access to education, services, civic participation, employment and many other important parts of our current lives in COVID-19 times.”

2e. What are the root causes or factors creating these racial inequities?

There are multiple roots causes creating digital inequity in our systems and institutions, including:

- **Wealth inequity.** Barriers to wealth accumulation, home ownership and wage growth have prevented an equitable sharing of the prosperity in the City of Seattle. This has contributed to a racial wealth gap and as a result, the costs to purchase sufficient Internet is prohibitive to many.
- **Lack of financial resources and social infrastructure for internet and community Wi-Fi.** There is a lack of affordable connectivity options available in BIPOC communities for those who cannot afford home internet service or mobile data plans. The low-cost internet plans may not always be sufficient to meet residents’ needs.

Step 3. Determine Benefit and/or Burden.

3. How will the policy, initiative, program, or budget issue increase or decrease racial equity? What are potential unintended consequences? What benefits may result? Are the impacts aligned with your department’s community outcomes that were defined in Step 1?



The Internet for All initiative will increase racial equity by prioritizing those communities most impacted. By applying a racial equity lens to Internet for All, the City will make gains in removing inequities that continue to manifest in our collective institutions and systems.

Equitable solutions may be most challenging in areas where local government has limited jurisdiction and current influence. Previous work and research in digital inclusion has illuminated that “making it available to all” is not equitable or effective.

Also, it is important to strike a balance between the need to provide rapid response and planning for a longer-term impact. Quick one-time support poses a risk of band-aiding rather than building sustainable, systemic solutions. The Internet for All Action Plan will focus on those strategies rooted in achieving systemic change.

Going forward, it is critical to center this work in community and to continue to engage residents most impacted in the City’s decision-making processes.

Step 4. Advance Opportunity or Minimize Harm.

4. How will you address the impacts (including unintended consequences) on racial equity? Seattle IT has developed a detailed Action Plan driven by eight innovative, effective, and efficient strategies to equitably increase broadband access and adoption. The full Action Plan and detailed strategies can be found on pages 40-50, [Internet for All Seattle Report](#).

- **Program Strategies:** The Action Plan proposes 8 key strategies:
 1. Increase awareness and adoption of low-cost internet programs and devices.
 2. Expand no or low-cost connectivity options in targeted areas of the City.
 3. Partner with organizations to deliver culturally relevant digital inclusion programs.
 4. Pursue private sector and philanthropic funding.
 5. Champion legislation/policies to advance universal internet adoption.
 6. Strengthen regional collaboration by forming an “Internet for All” coalition.
 7. Advocate to ensure Internet Service Provider offerings meet residents’ needs.
 8. Examine new technologies to ensure best-in-class internet infrastructure and consumer choices.
- **Policy Strategies:** Strategy 5 in the Action Plan focuses on aligning the City’s legislative policy priorities and coordinated actions to creatively incentivize the market, spur competition, and address digital equity in low-income areas.
- **Partnership Strategies:** Strategy 4 in the Action Plan identifies actions that supports a holistic and coordinated response across organizations and institutions to achieve digital equity. Additionally, a deeper exploration of strategic partnerships essential to this initiative can be found on pages 51-56, the [Internet for All Seattle Report](#).

To mitigate unintended consequences from these strategies, we intend to continue our stakeholder engagement to gather feedback on challenges and best practices to share with the community. For example, one unintended consequence of all students having video capabilities for classroom instruction is that some students may feel uncomfortable showing their housing situation to classmates. This privacy concern could be shared with teachers to foster culturally sensitive online learning environments.



Step 5. Evaluate. Raise Racial Awareness. Be Accountable.

5. How will you evaluate and be accountable? How will you evaluate and report impacts on racial equity over time? What is your goal and timeline for eliminating racial inequity? How will you retain stakeholder participation and ensure internal and public accountability? How will you raise awareness about racial inequity related to this issue?

As requested by City Council, Seattle IT will provide updates on Internet for All progress, as well as a comprehensive plan to implement both a near-term process evaluation to ensure effective implementation of Internet for All Seattle, and a long-term outcomes evaluation to assess the effectiveness of Internet for All Seattle once implemented. The process evaluation will provide suggestions for improvements so that corrective action can be taken to maximize the opportunities for successful implementation. The outcome evaluation will describe lessons learned that can be made available to other cities so that Internet for All can benefit other parts of the State of Washington and the nation.

The north star racial equity targets for Internet for All are:

- Support Seattle Public Schools' efforts to increase and improve student-household internet access and quality.
- Foster up to 20,000 internet connections & devices for underserved.
- For the next Technology Access and Adoption Study, the data points toward universal internet adoption.
- Significantly increase the internet adoption rate for households with annual incomes under \$25,000.

Internet for All is a priority area in the City's Reimagining Seattle Framework and ongoing participation will continue with City stakeholders to further the goals of the initiative.

5b. What is unresolved?

Achieving digital equity is an ongoing challenge, given the nature and pace of technological innovation. For example, providing technology skills training in a remote location continues to be a barrier during social and physical distancing. With the closure of traditional digital literacy training centers (public libraries, community centers, community-based organizations), trainers are exploring ways to bring education to remote locations, where the needs of the BIPOC and vulnerable communities are highest.

Step 6. Report Back.

6. Share analysis and report responses from Step 5 with Department Leadership and Change Team Leads and members involved in Step 1.

The Internet for All Seattle update report and subsequent reports will be shared broadly with City stakeholders and other key partners.



Legislation Text

File #: CB 120053, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to surveillance technology implementation; authorizing approval of uses and accepting the 2020 surveillance impact report and 2020 executive overview for the Seattle Police Department's use of Forward Looking Infrared Real-Time Video.

WHEREAS, Section 14.18.020 of the Seattle Municipal Code (SMC), enacted by Ordinance 125376, requires

City Council approval of a surveillance impact report (SIR) related to uses of surveillance technology, with existing/retroactive technology to be placed on a Master Technology List; and

WHEREAS, SMC 14.18.020 applies to the Forward Looking Infrared Real-Time Video (FLIR) in use through the Seattle Police Department's use of King County Sheriff's Office helicopters; and

WHEREAS, the Seattle Police Department conducted policy rule review and community review as part of the development of the SIR; and

WHEREAS, SMC 14.18.080, enacted by Ordinance 125679, provides for the Community Surveillance Working Group, composed of relevant stakeholders, to complete a privacy and civil liberties impact assessment for each SIR, and SMC 14.18.020 allows for a statement from the Chief Technology Officer in response to the Working Group's privacy and civil liberties impact assessment; and

WHEREAS, development of the SIR, review by the Working Group and the Chief Technology Officer's response has been completed; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Pursuant to Ordinances 125376 and 125679, the City Council approves use of the Seattle Police Department's use of Forward Looking Infrared Real-Time Video (FLIR) through the use of King County

Sheriff's Office helicopters and accepts the 2020 Surveillance Impact Report (SIR) for this technology, attached to this ordinance as Attachment 1, and the 2020 Executive Overview for the same technology, attached to this ordinance as Attachment 2.

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

Passed by the City Council the _____ day of _____, 2021, and signed by me in open session in authentication of its passage this _____ day of _____, 2021.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2021.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2021.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachment 1 - 2020 Surveillance Impact Report: Forward Looking Infrared Real-Time Video (FLIR)

Attachment 2 - 2020 Surveillance Impact Report Executive Overview: Forward Looking Infrared Real-Time Video (FLIR)

2020 Surveillance Impact Report

Forward Looking Infrared Real-Time Video (FLIR) (KCSO Helicopters)

Seattle Police Department

April 13th, 2021
Version 1

Surveillance Impact Report (“SIR”) overview3

Privacy Impact Assessment4

Financial Information..... 18

Expertise and References..... 19

Racial Equity Toolkit (“RET”) and Engagement for Public Comment Worksheet 21

Privacy and Civil Liberties Assessment 28

CTO Response 31

Appendix A: Glossary 38

Appendix B: Meeting Notice(s) 40

Appendix C: All Comments Received from Members of the Public..... 41

Appendix D: Letters from Organizations or Commissions..... 61

Appendix E: CTO Notification of Surveillance Technology 70

Surveillance Impact Report (“SIR”) overview

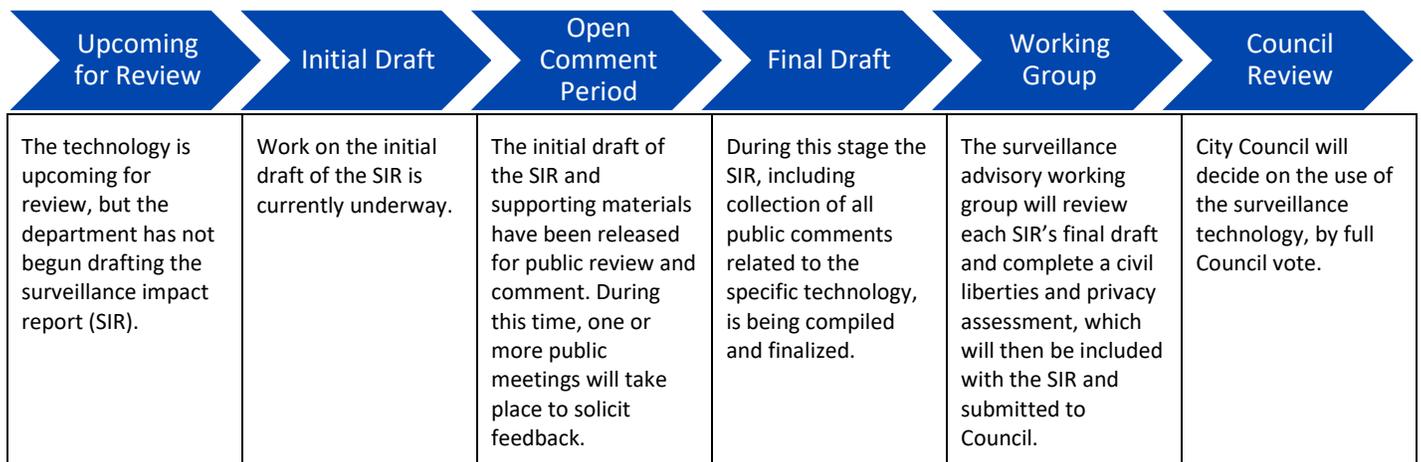
About the Surveillance Ordinance

The Seattle City Council passed ordinance [125376](#), also referred to as the “Surveillance Ordinance”, on September 1, 2017. This ordinance has implications for the acquisition of new technologies by the City, and technologies that are already in use that may fall under the new, broader definition of surveillance.

SMC 14.18.020.B.1 charges the City’s executive with developing a process to identify surveillance technologies subject to the ordinance. Seattle IT, on behalf of the executive, developed and implemented a process through which a privacy and surveillance review is completed prior to the acquisition of new technologies. This requirement, and the criteria used in the review process, are documented in Seattle IT Policy PR-02, the “Surveillance Policy”.

Surveillance Ordinance Review Process

The following is a high-level outline of the complete SIR review process.



Privacy Impact Assessment

Purpose

A Privacy Impact Assessment (“PIA”) is a method for collecting and documenting detailed information collected in order to conduct an in-depth privacy review of a program or project. A PIA asks questions about the collection, use, sharing, security and access controls for data that is gathered using a technology or program. It also requests information about policies, training and documentation that govern use of the technology. The PIA responses are used to determine privacy risks associated with a project and mitigations that may reduce some or all of those risks. In the interests of transparency about data collection and management, the City of Seattle has committed to publishing all PIAs on an outward facing website for public access.

When is a Privacy Impact Assessment Required?

A PIA may be required in two circumstances.

- 1) When a project, technology, or other review has been flagged as having a high privacy risk.
- 2) When a technology is required to complete the surveillance impact report process. This is one deliverable that comprises the report.

1.0 Abstract

1.1 Please provide a brief description (one paragraph) of the purpose and proposed use of the project/technology.

The King County Sheriff’s Office (KCSO) 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 Air Support Unit operates throughout King County and is available to assist the Seattle Police Department at no charge through the Puget Sound Regional Aviation Project, a consortium made up of members from sheriff’s offices in King, Snohomish, Pierce and Kitsap counties as well as Seattle Police and Fire departments, Pierce County Fire Districts, Washington State Patrol, the Department of Emergency Management in Pierce County, the Washington State Department of Ecology, Coast Guard, Navy, and the National Park Service. Guardian One offers air support for patrol and specialized police missions. Guardian Two offers support predominately for search and rescue. These helicopters are equipped with color and forward looking infrared (FLIR) cameras and 30 million-candle power spotlights that enable the location of suspects or disaster victims in darkness or environmental cover.

The Air Support Unit (KCSO) monitors several SPD communication frequencies and if available to assist, advises SPD communications that Guardian One is available to support. In life safety or other serious crime incidents where air support would be beneficial SPD sergeants and or higher ranked personnel may request the assistance of the Air Support Unit. Guardian Two is available as a call-out resource in the event of a significant incident.

1.2 Explain the reason the project/technology is being created or updated and why the PIA is required.

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 Project / Technology Overview

Provide an overview of the project or technology. The overview gives the context and background necessary to understand the purpose, mission and justification for the project / technology proposed

2.1 Describe the benefits of the project/technology.

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."¹ 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.

2.2 Provide any data or research demonstrating anticipated benefits.

¹ <https://kingcounty.gov/depts/sheriff/about-us/enforcement/specialized/helicopter.aspx>

https://www.fema.gov/media-library-data/1464299940004-16fc65457742f7d9a9fd62ae52ec9985/NorthWestRegionalAviation_FINAL_508.pdf

Provides information about Northwest Regional Avion consortium, the challenges faced in the geographical area, and the response to the 2014 SR530 mudslide near Oso, WA. This document also describes the ways in which the Seattle Urban Area Security Initiative, which includes Guardian One and Two operations, provide search and rescue operations, assists with criminal manhunts, and enhances port security, and is an important asset in the response to a variety of threats and hazards.

Alpert, G. and MacDonald, J. (1997). Helicopters and Their Use in Police Pursuit: A Final Report to the National Institute of Justice, Department of Justice.

<https://www.ncjrs.gov/pdffiles1/Digitization/171376NCJRS.pdf>

An analysis of the use of helicopters in police pursuit operations used data from observations and empirical analyses of the aviation units in the Baltimore and Metro-Dade (Fla.) Police Departments and a survey of citizen attitudes; the study concluded that helicopters provide a useful and important service to police and to the pursuit function. The best advantage a helicopter can provide to police is the information aerial vantage points can deliver. Additionally, the speed and relatively unobstructed mobility of helicopter support is a major benefit in pursuit of a fleeing suspect or during a search and rescue operation.

2.3 Describe the technology involved.

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.

Below are examples from the FLIR camera system mounted on Guardian One:

Example 1: This image shows 2 vehicles and 2 people crouching between 2 residential structures. The exact location has been redacted.



Example 2: A closer view of a residential structure illustrating Guardian One FLIR camera system capabilities.



2.4 Describe how the project or use of technology relates to the department’s mission.

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. King County Sheriff’s Air Support Unit supports this mission by providing air support for patrol, specialized police missions, and search and rescue operations when aerial operations would benefit the SPD resources on the ground.

2.5 Who will be involved with the deployment and use of the project / technology?

King County Sheriff’s Air Support Unit is operated by the King County Sheriff’s Office and is available to assist the Seattle Police Department at no charge through the Puget Sound Regional Aviation Project and the Seattle Urban Area Security Initiative (UASI). 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. Per [SPD Policy 16.060](#), “If Guardian One is off-duty, but their assistance is required for a police operation, a[n SPD] sergeant will screen the request and coordinate with Communications.”

3.0 Use Governance

Provide an outline of any rules that will govern the use of the project / technology. Please note: non-City entities contracting with the City are bound by restrictions specified in the surveillance ordinance and

privacy principles and must provide written procedures for how the entity will comply with any restrictions identified.

3.1 Describe the processes that are required prior to each use, or access to/ of the project / technology, such as a notification, or check-in, check-out of equipment.

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.

3.2 List the legal standards or conditions, if any, that must be met before the project / technology is used.

While no legal standards must be met prior to use of the technology, there are conditions and policy governing standard operating procedure for SPD.

The King County Sheriff's Office Air Support Unit monitors SPD radio frequencies and offers assistance to SPD based on availability and appropriateness of response. [SPD Policy 16.060 - King County Sheriff's Office Air Support Unit](#) states that patrol officers may request support from the Air Support Unit during an incident where it is determined air support would be beneficial, such as when there is a safety concern. When the Air Support Unit is off duty the request must be screened by sergeant or higher ranked personnel.

During 2018, Guardian One responded 45 times to SPD events. Guardian Two did not responded to any SPD calls during 2018.

3.3 Describe the policies and training required of all personnel operating the project / technology, and who has access to ensure compliance with use and management policies.

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

SPD Supervisors and commanding officers are responsible for ensuring compliance with all applicable policies.

All SPD employees must adhere to laws, City policy, and Department Policy ([SPD Policy 5.001](#)), and any employees suspected of being in violation of laws or policy or other misconduct are subject to discipline, as outlined in [SPD Policy 5.002](#).

4.0 Data Collection and Use

Provide information about the policies and practices around the collection and use of the data collected.

4.1 Provide details about what information is being collected from sources other than an individual, including other IT systems, systems of record, commercial data aggregators, publicly available data and/or other City departments.

No additional information is collected or transmitted by SPD related to this technology.

4.2 What measures are in place to minimize inadvertent or improper collection of data?

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](#).

4.3 How and when will the project / technology be deployed or used? By whom? Who will determine when the project / technology is deployed and used?

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. The SPD policy states, "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.

The most common type of event in which Guardian One participated with SPD in 2018 was Robbery (8 events), followed by Automotive- including theft and recovery (7 events), Assault (6 events), and Burglary (6 events). Other event types include Domestic Violence, Kidnapping/Abduction, Prowler, Traffic Violations, Warrant Services, Weapons, Person-including missing, found, and runaway, Suspicious Person/Object, and Theft².

4.4 How often will the technology be in operation?

The Air Support Unit operates six days per week and averages 1200 hours of flight time annually. In 2018, Guardian One responded to 45 SPD events. Guardian Two did not dispatch to any SPD calls for service.

4.5 What is the permanence of the installation? Is it installed permanently, or temporarily?

² Call type is based on the Case Final Type led in SPD's CAD system for the 45 events in which Guardian One responded.

Established in 2001, the King County Sheriff's Air Unit has been a model for regionalized aviation support for law enforcement and emergency services.

4.6 Is a physical object collecting data or images visible to the public? What are the markings to indicate that it is in use? What signage is used to determine department ownership and contact information?

The King County Sheriff's Air Unit helicopters are marked and easily identifiable as law enforcement aircraft to the untrained eye. The FLIR camera system is permanently affixed to the helicopter, however it is not identifiable to the public. The Guardian helicopters and FLIR cameras do not belong to SPD, but rather are county resources available to assist when available.

4.7 How will data that is collected be accessed and by whom?

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 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 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](#).

4.8 If operated or used by another entity on behalf of the City, provide details about access, and applicable protocols.

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.

4.9 What are acceptable reasons for access to the equipment and/or data collected?

The use of helicopter air support and onboard FLIR cameras are an indispensable resource for law enforcement and search and rescue operations. Per [SPD Policy 16.060 - King County Sheriff's Office Air Support Unit](#) Per [SPD Policy 16.060 - King County Sheriff's Office Air Support Unit](#), "Guardian One offers air support for patrol and specialized missions. Per [SPD Policy 16.060 - King County Sheriff's Office Air Support Unit](#), "Guardian One offers air support for patrol and specialized missions. Guardian Two offers air support for special operations such as search and rescue (SAR) and tactical missions." SPD requests air support to assist with locating missing children and vulnerable adults as well as to support patrol operations such as locating a suspects in dark or obscured terrain. When necessary and pertinent to a specific investigation, SPD investigators may request video from KCSO's Air Unit. This is only done when the video will be entered as case evidence in the investigation of a crime or missing person.

4.10 What safeguards are in place, for protecting data from unauthorized access (encryption, access control mechanisms, etc.) And to provide an audit trail (viewer logging, modification logging, etc.)?

SPD are consumers of the information provided by the KCSO Air Unit and do not maintain the systems used to access this information.

5.0 Data storage, retention and deletion

5.1 How will data be securely stored?

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 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).

5.2 How will the owner allow for departmental and other entities, to audit for compliance with legal deletion requirements?

SPD's Audit, Policy and Research Section (APRS) can conduct an audit of any system, including DEMS, at any time. In addition, the Office of Inspector General and the federal monitor can access all data and audit for compliance at any time.

5.3 What measures will be used to destroy improperly collected data?

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. [SPD Policy 7.090](#) specifically governs the collection and submission of photographic evidence. Evidence is submitted to the Evidence Unit and associated with a specific GO Number and investigation.

Additionally, [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.

All SPD employees must adhere to laws, City policy, and Department Policy ([SPD Policy 5.001](#)), and any employees suspected of being in violation of laws or policy or other misconduct are subject to discipline, as outlined in [SPD Policy 5.002](#).

Per the CJIS Security Policy:

“5.8.3 Digital Media Sanitization and Disposal The agency shall sanitize, that is, overwrite at least three times or degauss digital media prior to disposal or release for reuse by unauthorized individuals. Inoperable digital media shall be destroyed (cut up, shredded, etc.). The agency shall maintain written documentation of the steps taken to sanitize or destroy electronic media. Agencies shall ensure the sanitization or destruction is witnessed or carried out by authorized personnel.

5.8.4 Disposal of Physical Media Physical media shall be securely disposed of when no longer required, using formal procedures. Formal procedures for the secure disposal or destruction of physical media shall minimize the risk of sensitive information compromise by unauthorized individuals. Physical media shall be destroyed by shredding or incineration. Agencies shall ensure the disposal or destruction is witnessed or carried out by authorized personnel.”

5.4 Which specific departmental unit or individual is responsible for ensuring compliance with data retention requirements?

Unit supervisors are responsible for ensuring compliance with data retention requirements within SPD. Audit, Policy & Research Section personnel can also conduct audits of all data collection software and systems. Additionally, any appropriate auditor, including the Office of Inspector General and the federal monitor can audit for compliance at any time.

6.0 Data Sharing and Accuracy

6.1 Which entity or entities inside and external to the City will be data sharing partners?

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.

6.2 Why is data sharing necessary?

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

6.3 Are there any restrictions on non-City data use?

Yes No

6.3.1 if you answered yes, provide a copy of the department's procedures and policies for ensuring compliance with these restrictions.

Law enforcement agencies receiving criminal history information are subject to the requirements of 28 CFR Part 20, regulating criminal justice information systems. In addition, Washington State law enforcement agencies are subject to the provisions of [WAC 446-20-260](#) (auditing and dissemination of criminal history record information systems), and [RCW Chapter 10.97](#) (Washington State Criminal Records Privacy Act).

Once disclosed in response to PRA request, there are no restrictions on non-City data use; however, applicable exemptions will be applied prior to disclosure to any requestor who is not authorized to receive exempt content.

6.4 how does the project/technology review and approve information sharing agreements, memorandums of understanding, new uses of the information, new access to the system by organizations within City of Seattle and outside agencies?

Research agreements must meet the standards reflected in [SPD Policy 12.055](#). Law enforcement agencies receiving criminal history information are subject to the requirements of [28 CFR Part 20](#) whose purpose it is “to assure that criminal history record information wherever it appears is collected, stored, and disseminated in a manner to ensure the accuracy, completeness, currency, integrity, and security of such information and to protect individual privacy”. In addition, Washington State law enforcement agencies are subject to the provisions of [WAC 446-20-260](#), and [RCW Chapter 10.97](#).

6.5 Explain how the project/technology checks the accuracy of the information collected. If accuracy is not checked, please explain why.

The video recorded by Guardian One and Guardian Two, including the video recorded by the FLIR camera system, is real-time video recorded during the helicopter’s response to a law enforcement or search and rescue event.

6.6 describe any procedures that allow individuals to access their information and correct inaccurate or erroneous information.

Individuals may request records pursuant to the PRA, and 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.

7.0 Legal obligations, risks and compliance

7.1 What specific legal authorities and/or agreements permit and define the collection of information by the project/technology?

[RCW 9.73.090](#) allows sound and video images to be recorded by cameras mounted in law enforcement vehicles.

7.2 Describe what privacy training is provided to users either generally or specifically relevant to the project/technology.

[SPD Policy 12.050](#) mandates that all employees receive Security Awareness Training (Level 2), and all employees also receive City Privacy Training. All SPD employees must adhere to laws, City policy, and Department Policy ([SPD Policy 5.001](#)), many of which contain specific privacy requirements. Any employees suspected of being in violation of laws or policy or other misconduct are subject to discipline, as outlined in [SPD Policy 5.002](#).

7.3 Given the specific data elements collected, describe the privacy risks identified and for each risk, explain how it was mitigated. Specific risks may be inherent in the sources or methods of collection, or the quality or quantity of information included.

The nature of the Department’s mission will inevitably lead it to collect and maintain information many may believe to be private and potentially embarrassing. 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 members of the public. Minimizing privacy risks revolve around disclosure of personally identifiable information by such actives as redacting released video and information and by keeping detailed records of all information released. Images and video obtained by SPD from the KCSO’s Air Unit are considered evidence and the same precautions used to protect other case evidence applies.

[SMC 14.12](#) and [SPD Policy 6.060](#) direct all SPD personnel that “any documentation of information concerning a person’s sexual preferences or practices, or their political or religious activities must be for a relevant reason and serve a legitimate law enforcement purpose.” Additionally, officers must take care “when photographing demonstrations or other lawful political activities. If demonstrators are not acting unlawfully, police can’t photograph them.”

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.

7.4 Is there any aspect of the project/technology that might cause concern by giving the appearance to the public of privacy intrusion or misuse of personal information?

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 members of the public. The FLIR camera system can pose additional concern to the public about potential for privacy intrusion based on the misconception that the camera can record people and objects inside homes and other structures. As seen in the provided screen captures of FLIR recordings above, heat from homes and other structures can be seen in the image but the FLIR camera on the Guardian helicopters can not see through obstructions like walls and roofs.

8.0 Monitoring and enforcement

8.1 Describe how the project/technology maintains a record of any disclosures outside of the department.

Per [SPD Policy 12.080](#), the Crime Records Unit is responsible to receive and record all requests “for General Offense Reports from other City departments and from other law enforcement agencies, as well as from insurance companies.” Any subpoenas and requests for public disclosure are logged by SPD’s Legal Unit. Any action taken, and data released subsequently in response to subpoenas is then tracked through a log maintained by the Legal Unit. Public disclosure requests are tracked through the City’s GovQA Public Records Response System, and responses to Public Disclosure Requests, including responsive records provided to a requestor, are retained by SPD for two years after the request is completed

8.2 What auditing measures are in place to safeguard the information, and policies that pertain to them, as well as who has access to the audit data? Explain whether the project/technology conducts self-audits, third party audits or reviews.

SPD’s Audit, Policy and Research Section is authorized to conduct audits of all investigative data collection software and systems, including DEMS. In addition, the Office of Inspector General and the federal monitor can conduct audits of the software, and its use, at any time. Audit data is available to the public via Public Records Request.

Financial Information

Purpose

This section provides a description of the fiscal impact of the surveillance technology, as required by the surveillance ordinance.

1.0 Fiscal Impact

Provide a description of the fiscal impact of the project/technology by answering the questions below.

1.1 Current or potential sources of funding: initial acquisition costs.

Current potential

Date of initial acquisition	Date of go live	Direct initial acquisition cost	Professional services for acquisition	Other acquisition costs	Initial acquisition funding source
NA					

Notes:

The Air Support Unit operates throughout King County and is available to assist the Seattle Police Department at no charge through the Puget Sound Regional Aviation Project, a consortium made up of members from sheriff’s offices in King, Snohomish, Pierce and Kitsap counties as well as Seattle Police and Fire departments, Pierce County Fire Districts, Washington State Patrol, the Pierce County Department of Emergency Management, state Department of Ecology, Coast Guard, Navy, and the National Park Service.

1.2 Current or potential sources of funding: on-going operating costs, including maintenance, licensing, personnel, legal/compliance use auditing, data retention and security costs.

Current potential

Annual maintenance and licensing	Legal/compliance, audit, data retention and other security costs	Department overhead	IT overhead	Annual funding source

Notes:

N/A

1.3 Cost savings potential through use of the technology

Helicopter air support units can potentially cost \$200,000 per year, per the Snohomish County Sheriff’s Office Air Support Unit Budget. SPD’s agreement allowing cost-free support from the King County Sheriff’s Office Air Support Unit negates the need for SPD to host its own air unit.

1.4 Current or potential sources of funding including subsidies or free products offered by vendors or governmental entities

SPD’s participation in the Puget Sound Regional Aviation Project consortium allows cost-free support from the King County Sheriff’s Office Air Support Unit.

Expertise and References

Purpose

The following information is provided to ensure that Council has a group of experts to reference while reviewing the completed surveillance impact report (“SIR”). Any individuals or agencies referenced must be made aware ahead of publication that their information has been included. All materials must be available for Council to access or review, without requiring additional purchase or contract.

1.0 Other Government References

1.1 Please list any other government bodies that have implemented this technology and can speak to the implementation of this technology.

Agency, municipality, etc.	Primary contact	Description of current use
Auburn, WA Police Dept		
Bellevue, WA Police Dept		
Kent, WA Police Dept		

2.0 Academics, Consultants, and Other Experts

2.1 Please list any experts in the technology under consideration, or in the technical completion of the service or function the technology is responsible for.

Agency, municipality, etc.	Primary contact	Description of current use

3.0 White Papers or Other Documents

3.1 Please list any authoritative publication, report or guide that is relevant to the use of this technology or this type of technology.

Title	Publication	Link
"Today's Thermal Imaging Systems: Background and Applications for Civilian Law Enforcement and Military Force Protection."	<i>Proceedings IEEE 31st Annual 1997 International Carnahan Conference on Security Technology (1997)</i>	https://ieeexplore-ieee-org.offcampus.lib.washington.edu/document/626270

Racial Equity Toolkit (“RET”) and Engagement for Public Comment Worksheet

Purpose

Departments submitting a SIR are required to complete an adapted version of the Racial Equity Toolkit (“RET”) in order to:

- Provide a framework for the mindful completion of the SIR in a way that is sensitive to the historic exclusion of vulnerable and historically underrepresented communities. Particularly, to inform the public engagement efforts departments will complete as part of the surveillance impact report.
- Highlight and mitigate any impacts on racial equity from the adoption and the use of the technology.
- Highlight and mitigate any disparate impacts on individuals or vulnerable communities.
- Fulfill the public engagement requirements of the surveillance impact report.

Adaption of the RET for Surveillance Impact Reports

The RET was adapted for the specific use by the Seattle Information Technology Departments’ (“Seattle IT”) privacy team, the Office of Civil Rights (“OCR”), and change team members from Seattle IT, Seattle City Light, Seattle Fire Department, Seattle Police Department, and Seattle Department of Transportation.

Racial Equity Toolkit Overview

The vision of the Seattle Race and Social Justice Initiative is to eliminate racial inequity in the community. To do this requires ending individual racism, institutional racism and structural racism. The racial equity toolkit lays out a process and a set of questions to guide the development, implementation and evaluation of policies, initiatives, programs, and budget issues to address the impacts on racial equity.

1.0 Set Outcomes

1.1. Seattle City Council has defined the following inclusion criteria in the surveillance ordinance, and they serve as important touchstones for the risks departments are being asked to resolve and/or mitigate. Which of the following inclusion criteria apply to this technology?

- The technology disparately impacts disadvantaged groups.
- There is a high likelihood that personally identifiable information will be shared with non-City entities that will use the data for a purpose other than providing the City with a contractually agreed-upon service.
- The technology collects data that is personally identifiable even if obscured, de-identified, or anonymized after collection.

☒ The technology raises reasonable concerns about impacts to civil liberty, freedom of speech or association, racial equity, or social justice.

1.2 What are the potential impacts on civil liberties through the implementation of this technology? How is the department mitigating these risks?

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 below image is an example of how individuals are seen by the FLIR system and the color cameras.

This FLIR image shows 5 officers and one police K9 approaching a suspect who is crouched down under a tree. The light color of the officers does not show skin tone but rather the amount of heat they are giving off.



1.3 What are the risks for racial or ethnicity-based bias through each use or deployment of this technology? How is the department mitigating these risks?

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.

1.4 Where in the City is the technology used or deployed?

all Seattle neighborhoods

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> Ballard | <input type="checkbox"/> Southeast |
| <input type="checkbox"/> North | <input type="checkbox"/> Delridge |
| <input type="checkbox"/> Northeast | <input type="checkbox"/> Greater Duwamish |
| <input type="checkbox"/> Central | <input type="checkbox"/> East district |
| <input type="checkbox"/> Lake union | <input type="checkbox"/> King county (outside Seattle) |
| <input type="checkbox"/> Southwest | <input type="checkbox"/> Outside King County. |

If possible, please include any maps or visualizations of historical deployments / use.

N/A

1.4.1 What are the racial demographics of those living in this area or impacted by these issues?

City of Seattle demographics: White - 69.5%; Black or African American - 7.9%; Amer. Indian & Alaska Native - 0.8%; Asian - 13.8%; Native Hawaiian & Pacific Islander - 0.4%; Other race - 2.4%; Two or more races - 5.1%; Hispanic or Latino ethnicity (of any race): 6.6%; Persons of color: 33.7%.

King County demographics: White – 70.1%; Black or African American – 6.7%; American Indian & Alaskan Native – 1.1%; Asian, Native Hawaiian, Pacific Islander – 17.2%; Hispanic or Latino (of any race) – 9.4%

1.4.2 How are decisions made where the technology is used or deployed? How does the Department work to ensure diverse neighborhoods are not specifically targeted?

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. [SPD Policy 16.060 - King County Sheriff's Office Air Support Unit](#) defines SPD's policy on the use of this technology.

1.5 How do decisions around data sharing have the potential for disparate impact on historically targeted communities? What is the department doing to mitigate those risks?

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.

1.6 How do decisions around data storage and retention have the potential for disparate impact on historically targeted communities? What is the department doing to mitigate those risks?

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.

1.7 What are potential unintended consequences (both negative and positive potential impact)? What proactive steps can you can / have you taken to ensure these consequences do not occur.

The most important unintended possible consequence related to the continued utilization of the King County Sheriff's Office Air Support Unit helicopters and FLIR camera system by SPD is the out of policy misuse of the technology to improperly surveil the public. SPD policies, including [SPD Policy 16.060 - King County Sheriff's Office Air Support Unit](#) outlines the way in which SPD may utilize air support for patrol and specialized missions. [SPD Policy 6.060 - Collection of Information for Law Enforcement Purposes](#) also defines the way information will be gathered by SPD and states, "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 Public Outreach

2.1 Scheduled public meeting(s).

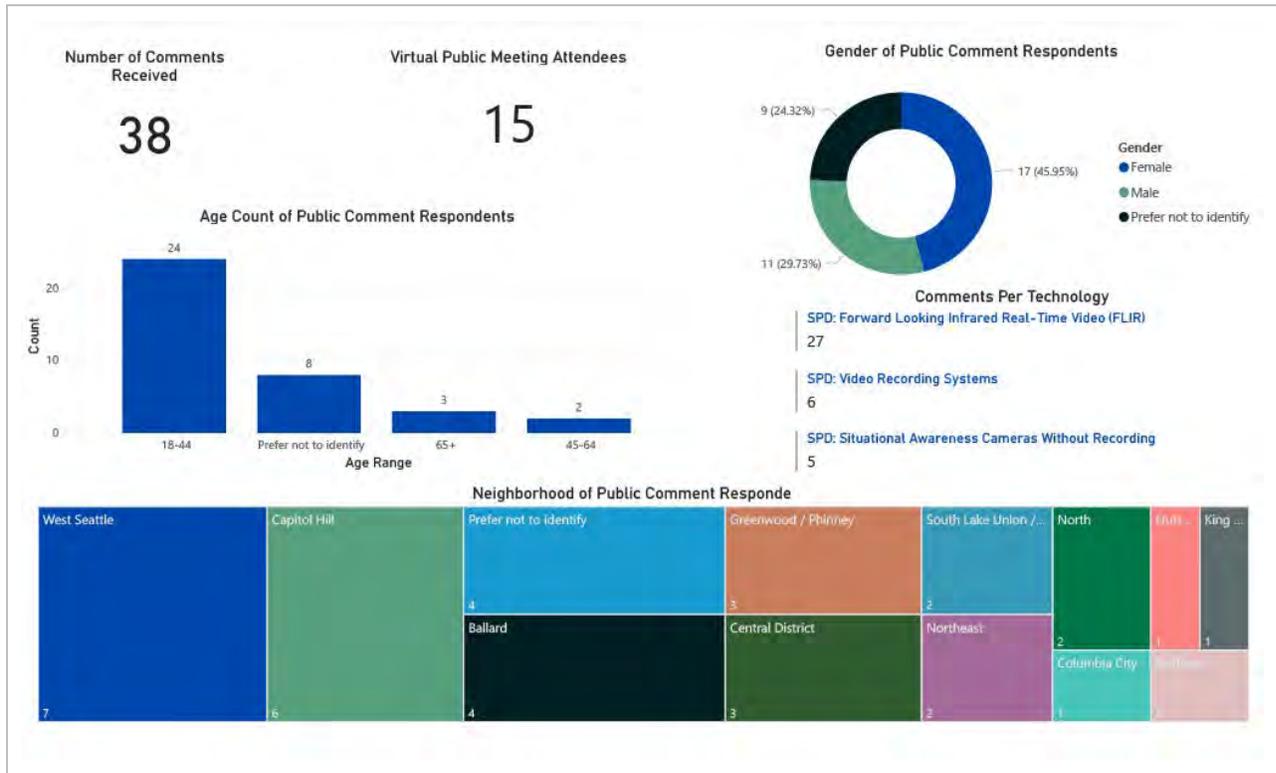
Meeting notes, sign-in sheets, all comments received, and questions from the public will be included in Appendix A-C. Comment analysis will be summarized in section 3.0 Public Comment Analysis.

Meeting 1

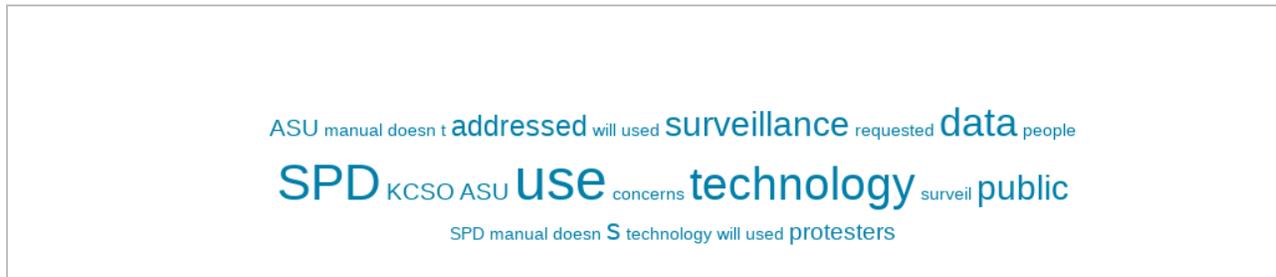
Location	Webex Online Event
Date	October 28 th , 2020
Time	12 pm – 1 pm

3.0 Public Comment Analysis

3.1 Demographics of the public who submitted comments.



3.2 What concerns, if any, do you have about the use of this technology?



3.3 What value, if any, do you see in the use of this technology?



3.4 What do you want City leadership to consider about the use of this technology?



3.5 Do you have any other comments?



4.0 Response to Public Comments

4.1 How will you address the concerns that have been identified by the public?

The OIG has audit responsibilities for determining legality of the system and deployment.

5.0 Equity Annual Reporting

5.1 What metrics for this technology be reported to the CTO for the annual equity assessments? Departments will be responsible for sharing their own evaluations with department leadership, change team leads, and community leaders identified in the public outreach plan.

Respond here.

Privacy and Civil Liberties Assessment

Purpose

This section shall be completed after public engagement has concluded and the department has completed the racial equity toolkit section above. The privacy and civil liberties assessment is completed by the community surveillance working group (“working group”), per the surveillance ordinance which states that the working group shall:

“Provide to the executive and the City Council a privacy and civil liberties impact assessment for each SIR that must be included with any departmental request for surveillance technology acquisition or in-use approval. The impact assessment shall include a description of the potential impact of the surveillance technology on civil rights and liberties and potential disparate impacts on communities of color and other marginalized communities. The CTO shall share with the working group a copy of the SIR that shall also be posted during the period of public engagement. At the conclusion of the public engagement period, the CTO shall share the final proposed SIR with the working group at least six weeks prior to submittal of the SIR to Council for approval. The working group shall provide its impact assessment in writing to the executive and the City Council for inclusion in the SIR within six weeks of receiving the final proposed SIR. If the working group does not provide the impact assessment before such time, the working group must ask for a two-week extension of time to City Council in writing. If the working group fails to submit an impact statement within eight weeks of receiving the SIR, the department and City Council may proceed with ordinance approval without the impact statement.”

Working Group Privacy and Civil Liberties Assessment

From: Seattle Community Surveillance Working Group (CSWG)

To: Seattle City Council

Date: Dec 15, 2020

Re: Privacy and Civil Liberties Impact Assessment for Forward Looking Infrared – King County Sheriff’s Office Helicopters

Executive Summary

The CSWG has completed its review of the Surveillance Impact Reports (SIRs) for the three surveillance technologies included in Group 3 of the Seattle Surveillance Ordinance technology review process. These technologies are Forward Looking Infrared, Video Recording Systems, and Situational Awareness Cameras Without Recording. This document is the CSWG’s Privacy and Civil Liberties Impact Assessment for Forward Looking Infrared (FLIR) technology used with King County Sheriff’s Office (KCSO) helicopters as set forth in SMC 14.18.080(B)(1), which we provide for inclusion in the final SIRs submitted to the City Councils.

This document first provides our recommendations to Council, then provides background information, key concerns, and outstanding questions regarding FLIR technology as used with KCSO helicopters.

Our assessment of FLIR technology and KCSO Helicopters as used by Seattle Police Department (SPD) focuses on three major issues:

1. Additional policy language is necessary to define valid purposes of use.
2. There are inadequate policies regarding data collection and unclear policies regarding data storage and protection.
3. There are inadequate policies and processes to ensure that communities of color and other historically over-policed communities are not targeted.

Recommendations

The Council should adopt clear and enforceable rules that ensure, at the minimum, the following:

1. The purpose and allowable uses of FLIR technology and KCSO's helicopters must be clearly defined, and any SPD use of KCSO's helicopters and FLIR technology and data collected with these technologies must be restricted to that specific purpose and those allowable uses.
2. SPD must be prohibited from using FLIR technology and KCSO's helicopters to disproportionately surveil communities of color and other historically over-policed communities, and must adopt policies and processes to ensure it is not targeting such communities.
3. SPD must be required to redact or delete information collected that may compromise the privacy of individuals not related to a specific investigation of search that is restricted by the purpose of use.
4. SPD must be required to produce a publicly available annual report detailing its use of FLIR technology and KCSO helicopters. This report must include at a minimum, details on how SPD used the data collected, the amount and types of data collected, for how long data were retained and in what form, where the data are stored, and the neighborhoods over which KCSO helicopters and/or FLIR technology were deployed.

Key Concerns

1. **There are inadequate policies defining purpose of use.** The policies cited in the SIR do not impose meaningful restrictions on the purpose for which SPD may request that KCSO helicopters and FLIR technology be used. Policy 16.060 – King County Sheriff's Office Air Support Unit³ simply states that "Guardian One offers air support for patrol and specialized missions" and that "Guardian Two offers air support for special operations such as search and rescue (SAR) and tactical missions." This policy only describes the process by which SPD may request support from KCSO's air support unit but does not state the specific purposes for which SPD may or may not do so. Section 4.9 of the SIR⁴ states that SPD may request video from KCSO's Air Unit "[w]hen necessary and pertinent to a

³ <http://www.seattle.gov/police-manual/title-16---patrol-operations/16060---king-county-sheriffs-office-air-support-unit>

⁴ http://www.seattle.gov/Documents/Departments/Tech/Privacy/FLIR%20-%20KCSO%20Helicopters%20Public_Engagement%20SIR.pdf - page 12

specific investigation” but does not specify the types of investigations for which SPD may request data from KCSO or how it is determined if such data is necessary and pertinent.

2. **There are inadequate policies restricting data collection.** The policies cited in the SIR do not place any restrictions on the amount or types of data SPD may request from KCSO.
3. **It is unclear if and how SPD protects the privacy of individuals unrelated to an investigation.** The SIR does not include any policies regarding how it redacts or deletes information. At the October 28 public engagement meeting, SPD officers did not provide an answer to the question of whether and how it redacts or deletes information collected that may compromise the privacy of individuals unrelated to an investigation.
4. **It is unclear how data collected are stored and protected.** SPD stated at the October 28 public engagement meeting that it is unaware of how long KCSO retains still images and recordings obtained when assisting SPD. While SPD officers stated that SPD stores video requested from KCSO in its Digital Evidence Management System (DEMS)—not Evidence.com, this is not made clear within the SIR. Additionally, SPD officers did not answer whether SPD’s DEMS is on on-premise or Software-as-a-Service (SaaS) deployment.
5. **The SIR does not provide the dates and neighborhoods over which KCSO helicopters and FLIR technology have been deployed.** Though the SIR states that there have been 45 deployments of Guardian One to support SPD in 2018, the SIR does not include an analysis of the locations of those deployments.⁵ Additionally, SPD declined to state the neighborhoods over which the helicopters had been deployed during the October 28 public engagement meeting. It is important that SPD include this information in the Racial Equity Toolkit section of the final SIR in order to address the following questions in Section 1.4.2: “How are decisions made where the technology is used or deployed? How does the Department work to ensure diverse neighborhoods are not specifically targeted?”⁶

Outstanding Questions

- What are the registration and/or tail numbers for each helicopter?
- In 2019 and 2020, did the KCSO Air Support Unit have any additional helicopters aside from the three listed in the SIR?
- How long does KCSO retain still images and recordings attained when assisting SPD?
- Is SPD’s Digital Evidence Management System (DEMS) an on-premise deployment or is it Software-as-a-Service?
- Has SPD ever requested KCSO ASU services or obtained data from KCSO’s helicopters and/or FLIR technology to surveil protesters?
- What are the neighborhoods over which KCSO’s helicopters have been deployed?

The answers to these questions can further inform the content of any binding policy the Council chooses to include in an ordinance on this technology, as recommended above.

⁵ http://www.seattle.gov/Documents/Departments/Tech/Privacy/FLIR%20-%20KCSO%20Helicopters%20Public_Engagement%20SIR.pdf - page 9

⁶ http://www.seattle.gov/Documents/Departments/Tech/Privacy/FLIR%20-%20KCSO%20Helicopters%20Public_Engagement%20SIR.pdf - page 23

CTO Response

Memo

To: Seattle City Council
From: Saad Bashir
Subject: CTO Response to the Surveillance Working Group Forward Looking Infrared Real-Time Video (FLIR) SIR Review

Purpose

As provided in the Surveillance Ordinance, [SMC 14.18.080](#), this memo outlines the Chief Technology Officer's (CTO's) response to the Surveillance Working Group assessment on the Surveillance Impact Report for Seattle Police Department's Forward Looking Infrared Real-Time Video (FLIR).

Background

The Information Technology Department (ITD) is dedicated to the Privacy Principles and Surveillance Ordinance objectives to provide oversight and transparency about the use and acquisition of specialized technologies with potential privacy and civil liberties impacts. All City departments have a shared mission to protect lives and property while balancing technology use and data collection with negative impacts to individuals. This requires ensuring the appropriate use of privacy invasive technologies through technology limitations, policy, training and departmental oversight.

The CTO's role in the SIR process has been to ensure that all City departments are compliant with the Surveillance Ordinance requirements. As part of the review work for surveillance technologies, ITD's Privacy Office has facilitated the creation of the Surveillance Impact Report documentation, including collecting comments and suggestions from the Working Group and members of the public about these technologies. IT and City departments have also worked collaboratively with the Working Group to answer additional questions that came up during their review process. We believe that policy, training and technology limitations enacted by SPD and Council oversight through the surveillance technology review process provide adequate mitigation for the potential privacy and civil liberties concerns raised by the Working Group about the use of this important operational technology.

Technology Purpose

The King County Sheriff's Office (KCSO) 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 Air Support Unit operates throughout King County and is available to assist the Seattle Police Department at no charge through the Puget Sound Regional Aviation Project, a consortium made up of members from sheriff's offices in King, Snohomish, Pierce and Kitsap counties as well as Seattle Police and Fire departments, Pierce County Fire Districts, Washington State Patrol, the Department of Emergency Management in Pierce County, the Washington State Department of Ecology, Coast Guard, Navy, and the National Park Service. Guardian One offers air support for patrol and specialized police missions. Guardian Two offers support predominately for search and rescue. These helicopters are equipped with color and forward

looking infrared (FLIR) cameras and 30 million-candle power spotlights that enable the location of suspects or disaster victims in darkness or environmental cover.

Working Group Concerns

In their review, the Working Group has raised concerns about these devices being used in a privacy impacting way. Their review focused on concerns about use specification and restriction, data collection, storage and protection, and potential privacy impacts.

Recommended Next Steps

I look forward to working together with Council and City departments to ensure continued transparency about the use of these technologies and finding a mutually agreeable means to use technology to improve City services while protecting the privacy and civil rights of the residents we serve. Specific concerns in the Working Group comments about cameras are addressed in the attached document.

Response to Specific Concerns: Forward Looking Infrared Real-Time Video (FLIR)

Concern: Policies defining valid purpose of use

CTO Assessment: [SPD Policy 16.060 -King County Sheriff's Office Air Support Unit](#) governs and outlines the use cases and approval process for officers to request air support at the discretion of the King County Sheriff's Office. It is our assessment that while SPD cannot change the King County Sheriff's office use policies, SPD has outlined their own policies about use of the images and video obtained from the Air Support Unit operation of the aircraft. The associated SIR responses are clear and provide adequate transparency and policy guidance about technology use. Details are provided below:

SIR Response:

Section 2.4 Describe how the project or use of technology relates to the department's mission.

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. King County Sheriff's Air Support Unit supports this mission by providing air support for patrol, specialized police missions, and search and rescue operations when aerial operations would benefit the SPD resources on the ground.

Section 3.1 Describe the processes that are required prior to each use, or access to/ of the project / technology, such as a notification, or check-in, check-out of equipment.

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.

Section 3.2 List the legal standards or conditions, if any, that must be met before the project / technology is used.

While no legal standards must be met prior to use of the technology, there are conditions and policy governing standard operating procedure for SPD. The King County Sheriff's Office Air Support Unit monitors SPD radio frequencies and offers assistance to SPD based on availability and appropriateness of response. SPD Policy 16.060 -King County Sheriff's Office Air Support Unit states that patrol officers may request support from the Air Support Unit during an incident where it is determined air support would be beneficial, such as when there is a safety concern. When the Air Support Unit is off duty the request must be screened by sergeant or higher ranked personnel. During 2018, Guardian One responded 45 times to SPD events. Guardian Two did not responded to any SPD calls during 2018.

Concern: Inadequate policies restricting data collection

CTO Assessment: Information or video provided by the KCSO Air Support Unit comes after a request from SPD regarding a specific event or timestamp that may be necessary for an investigation. Once any relevant footage is provided, the video is treated as evidence in an investigation and is subject to SPD's policy on video evidence storage, including SPD Policy 7.090 and Policy 7.010. It is our assessment that SPD has adequate controls and policies in place to limit use and collection of data to appropriate emergency situations and access by authorized individuals. Details regarding this are provided in the SIR responses referenced below:

SIR Response:

Section 4.2 What measures are in place to minimize inadvertent or improper collection of data?

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.

Section 4.7 How will data that is collected be accessed and by whom?

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 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 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.

Concern: Unclear how data collected is stored and protected

CTO Assessment: Once the relevant data has been acquired from KCSO, the information is treated according to SPD Policy 7.010 on documenting and storing collected evidence in relation to an investigation. Additionally, SPD Policy 7.090 governs photographic evidence and its submission into the CJIS certified Digital Evidence Management System. It is our assessment that SPD has appropriate policy in place, follows appropriate data storage security measure, and have clearly stated data sharing partners and practices. Details are provided in the SIR responses listed below:

SIR Response:

Section 5.1 How will data be securely stored?

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 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).

Section 6.1 Which entity or entities inside and external to the City will be data sharing partners?

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.

Concern: Unclear how SPD protects privacy of individuals unrelated to an investigation

CTO Assessment: SPD only retrieves video or evidence from the KCSO helicopters that is related to an ongoing investigation. Once the relevant data has been acquired from KCSO, the information is treated according to SPD Policy 7.010 on documenting and storing collected evidence in relation to an investigation. Additionally, SPD Policy 7.090 governs photographic evidence and its submission into the CJIS certified Digital Evidence Management System.

SIR Response:

Section 4.2 What measures are in place to minimize inadvertent or improper collection of data?

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.

Section 5.3 What measures will be used to destroy improperly collected data?

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. SPD Policy 7.090 specifically governs the collection and submission of photographic evidence. Evidence is submitted to the Evidence Unit and associated with a specific GO Number and investigation.

Additionally, 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.

All SPD employees must adhere to laws, City policy, and Department Policy (SPD Policy 5.001), and any employees suspected of being in violation of laws or policy or other misconduct are subject to discipline, as outlined in SPD Policy 5.002.

Per the CJIS Security Policy:

“5.8.3 Digital Media Sanitization and Disposal The agency shall sanitize, that is, overwrite at least three times or degauss digital media prior to disposal or release for reuse by unauthorized individuals. Inoperable digital media shall be destroyed (cut up, shredded, etc.). The agency shall maintain written documentation of the steps taken to sanitize or destroy electronic media. Agencies shall ensure the sanitization or destruction is witnessed or carried out by authorized personnel.

5.8.4 Disposal of Physical Media Physical media shall be securely disposed of when no longer required, using formal procedures. Formal procedures for the secure disposal or destruction of physical media shall minimize the risk of sensitive information compromise by unauthorized individuals. Physical media shall be destroyed by shredding or incineration. Agencies shall ensure the disposal or destruction is witnessed or carried out by authorized personnel.”

Concern: No dates or locations of deployments of technology

CTO Assessment: The SIR identifies the number and most common deployment types of the KCSO helicopters and the table below outlines additional data available for Guardian One dispatches in 2018. [SPD Policy 16.060 -King County Sheriff's Office Air Support Unit](#) governs and outlines the use cases and approval process for officers to request air support at the discretion of the King County Sheriff's Office. It is our assessment that while SPD cannot change the King County Sheriff's office use policies, SPD has outlined their own policies about use of the images and video obtained from the Air Support Unit operation of the aircraft.

Guardian One Dispatches by Month and Precinct

	2018											
	January	February	March	April	June	July	August	Septem..	October	Novem..	Decemb..	
EAST		1									1	
NORTH	2	3		2		1					2	
SOUTH	3	3	2	4	1	4	1	2				
SOUTHWEST	1			1		1	1		1			3
WEST	1			1		1	1					
OUTSIDE SEATTLE				1								

SIR Response:

Section 4.3 How and when will the project / technology be deployed or used? By whom? Who will determine when the project / technology is deployed and used?

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. The SPD policy states, "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.

The most common type of event in which Guardian One participated with SPD in 2018 was Robbery (8 events), followed by Automotive- including theft and recovery (7 events), Assault (6 events), and Burglary (6 events). Other event types include Domestic Violence, Kidnapping/Abduction, Prowler, Traffic Violations, Warrant Services, Weapons, Person-including missing, found, and runaway, Suspicious Person/Object, and Theft.

Section 4.4 How often will the technology be in operation?

The Air Support Unit operates six days per week and averages 1200 hours of flight time annually. In 2018, Guardian One responded to 45 SPD events. Guardian Two did not dispatch to any SPD calls for service.

Appendix A: Glossary

Accountable: (taken from the racial equity toolkit.) Responsive to the needs and concerns of those most impacted by the issues you are working on, particularly to communities of color and those historically underrepresented in the civic process.

Community outcomes: (taken from the racial equity toolkit.) The specific result you are seeking to achieve that advances racial equity.

Contracting equity: (taken from the racial equity toolkit.) Efforts to achieve equitable racial outcomes in the way the City spends resources, including goods and services, consultants and contracting.

DON: “department of neighborhoods.”

Immigrant and refugee access to services: (taken from the racial equity toolkit.) Government services and resources are easily available and understandable to all Seattle residents, including non-native English speakers. Full and active participation of immigrant and refugee communities exists in Seattle’s civic, economic and cultural life.

Inclusive outreach and public engagement: (taken from the racial equity toolkit.) Processes inclusive of people of diverse races, cultures, gender identities, sexual orientations and socio-economic status. Access to information, resources and civic processes so community members can effectively engage in the design and delivery of public services.

Individual racism: (taken from the racial equity toolkit.) Pre-judgment, bias, stereotypes about an individual or group based on race. The impacts of racism on individuals including white people internalizing privilege, and people of color internalizing oppression.

Institutional racism: (taken from the racial equity toolkit.) Organizational programs, policies or procedures that work to the benefit of white people and to the detriment of people of color, usually unintentionally or inadvertently.

OCR: “Office of Civil Rights.”

Opportunity areas: (taken from the racial equity toolkit.) One of seven issue areas the City of Seattle is working on in partnership with the community to eliminate racial disparities and create racial equity. They include: education, health, community development, criminal justice, jobs, housing, and the environment.

Racial equity: (taken from the racial equity toolkit.) When social, economic and political opportunities are not predicted based upon a person’s race.

Racial inequity: (taken from the racial equity toolkit.)
When a person’s race can predict their social, economic, and political opportunities and outcomes.

RET: “racial equity toolkit”

Seattle neighborhoods: (taken from the racial equity toolkit neighborhood.) Boundaries defined for the purpose of understanding geographic areas in Seattle.

Stakeholders: (taken from the racial equity toolkit.)
Those impacted by proposed policy, program, or budget issue who have potential concerns or issue expertise. Examples might include: specific racial/ethnic groups, other institutions like Seattle housing authority, schools, community-based organizations, change teams, City employees, unions, etc.

Structural racism: (taken from the racial equity toolkit.)
The interplay of policies, practices and programs of multiple institutions which leads to adverse outcomes and conditions for communities of color compared to white communities that occurs within the context of racialized historical and cultural conditions.

Surveillance Ordinance: Seattle City Council passed ordinance, also referred to as the “surveillance ordinance.”

SIR: “surveillance impact report”, a document which captures the fulfillment of the Council-defined surveillance technology review process, as required by ordinance [125376](#).

Workforce equity: (taken from the racial equity toolkit.) Ensure the City's workforce diversity reflects the diversity of Seattle.



Appendix B: Meeting Notice(s)



City Surveillance Technology Event

October 28th, 2020
12:00 p.m. – 1:00 p.m.
[Webex Online Event](#)

**Join us for a public meeting to comment on a few
of the City's surveillance technologies:**

Seattle Police Department

- Forward Looking Infrared Real-time Video (FLIR)
- Situational Awareness Cameras Without Recording
- Video Recording Systems

[WebEx Online Event](#)

Dial-in Info:
+1-408-418-9388
Access code: 146 533 4053

Can't join us online?

Visit <http://www.seattle.gov/surveillance> to leave an online comment or send your comment to **Surveillance and Privacy Program, Seattle IT, PO Box 94709, Seattle, WA 98124.**

The Open Comment period is from **October 7th – November 7th, 2020.**

Please let us know at Surveillance@seattle.gov if you need any accommodations. For more information, visit Seattle.gov/privacy.

Information provided to the City of Seattle is considered a public record and may be subject to public disclosure. For more information see the Public Records Act, RCW Chapter 42.56 or visit Seattle.gov/privacy. All comments submitted will be included in the Surveillance Impact Report.

Appendix C: All Comments Received from Members of the Public

ID: 12168954138

Submitted Through: Online Comment

Date: 11/13/2020 11:44:26 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Forward Looking Infrared Real-Time Video (FLIR)

What concerns, if any, do you have about the use of this technology?

The possible drift in usage in ambiguous situations, and how it might get triangulated with other technology like video recording. Apparent lack of clarity on data storage practices.

What value, if any, do you see in the use of this technology?

Finding people who are lost

What do you want City leadership to consider about the use of this technology?

Data governance. Setting clear, specific, easy to understand guidelines about use and storage of this information, and how that will get shared between SPD and KC Sheriff.

Do you have any other comments?

Please make sure that at public discussions where personnel are there to answer questions, that there's a subject matter expert present who can answer most general technical questions. That is more important than having an SPD officer present.

ID: 12167775924

Submitted Through: Online Comment

Date: 11/13/2020 11:05:58 AM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Forward Looking Infrared Real-Time Video (FLIR)

What concerns, if any, do you have about the use of this technology?

That this will be used to target Black people and protesters. It's expensive and that money is better used to feed, house, and clothe people in our city.

What value, if any, do you see in the use of this technology?

None at all.

What do you want City leadership to consider about the use of this technology?

Reject it.

Do you have any other comments?

Black Lives Matter.

ID: 12167464903

Submitted Through: Online Comment

Date: 11/13/2020 9:19:25 AM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Forward Looking Infrared Real-Time Video (FLIR)

What concerns, if any, do you have about the use of this technology?

Test

What value, if any, do you see in the use of this technology?

Test

What do you want City leadership to consider about the use of this technology?

Test

Do you have any other comments?

Test

ID: 12165148732

Submitted Through: Online Comment

Date: 11/12/2020 4:01:40 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Forward Looking Infrared Real-Time Video (FLIR)

What concerns, if any, do you have about the use of this technology?

I do not feel like SPD needs this technology nor do I think they will use it in a transparent way. There are considerable privacy concerns with the use of this technology.

What value, if any, do you see in the use of this technology?

I do not see any value in SPD having this technology.

What do you want City leadership to consider about the use of this technology?

I do not want this technology used in our city.

Do you have any other comments?

ID: 12164993335

Submitted Through: Online Comment

Date: 11/12/2020 3:03:42 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Forward Looking Infrared Real-Time Video (FLIR)

What concerns, if any, do you have about the use of this technology?

test

What value, if any, do you see in the use of this technology?

test

What do you want City leadership to consider about the use of this technology?

test

Do you have any other comments?

test

ID: 12164789404

Submitted Through: Online Comment

Date: 11/12/2020 1:56:19 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Forward Looking Infrared Real-Time Video (FLIR)

What concerns, if any, do you have about the use of this technology?

As of Nov. 12th, numerous questions from the public have not been answered by SPD and thus greatly hinder the ability for informed public comment. These questions include: (1) What are the registration/tail numbers for each helicopter? (2) In 2019 or 2020 did KCSO ASU have any additional helicopters? (3) Does only the Huey form Guardian Two and the other two Bell's form Guardian One? (4) How long does KCSO retain still images and recordings when assisting SPD? (5) Is SPD's Digital Evidence Management System (DEMS) a on-premise or Software-as-a-Service deployment? (6) Has SPD ever requested KCSO ASU services or obtained data from KCSO's helicopters and/or FLIR technology to surveil protesters? (7) What are the neighborhoods over which KCSO's helicopters have been deployed? (8) What other data gets combined by SPD with the ASU data (such as cellphone geolocations, social media monitoring/intel, other surveillance technologies on the City's Master List, etc.)? Additionally, SPD dodging some of these questions by directing the public to submit PRA requests (which have a 6-12 month turnaround time) and IT not stepping in point out that answers must be provided to the public before the public comment period closes, shows how little interest both SPD and IT truly have in an honest dialog with the public about surveillance technologies. Also, there are multiple gaps in the SPD manual that should be addressed either by modifications to SPD's manual and/or via ordinance. These gaps include: (1) SPD manual doesn't define a specific & restricted purpose of use of ASU (so largely the whim of an SPD officer and ASU availability). (2) SPD manual doesn't address ASU being used to surveil protesters and/or targeting historically over-policed communities/neighborhoods. (3) SPD manual doesn't address the privacy of unrelated members of the public, unsuspected of a crime, that may be surveilled with this technology or be in the recordings. (4) Lack of public oversight and accountability regarding SPD leveraging KCSO ASU. Not only should all of the above be addressed by also it's recommended that the City produce a publicly available annual report detailing use of KCSO ASU (how SPD used collected data, amount of data, data retention lengths & in what form, where it's stored, & neighborhoods deployed over). It should not take a PRA request for the public to have insight into SPD's use of surveillance tech/data.

What value, if any, do you see in the use of this technology?

Because this technology lacks any guardrails on its use and SPD/IT are withholding information from the public, one can only safely assume predominantly negative circumstances under which this technology has been used (otherwise SPD should desire to make public how great and upstanding their work has been); therefore the cons outweigh the pros and this technology does not provide any noticeable value to the public.

What do you want City leadership to consider about the use of this technology?

City leadership should be made aware of the information SPD/IT has withheld from the public. This information missing from the public includes: (1) What are the registration/tail numbers for each helicopter? (2) In 2019 or 2020 did KCSO ASU have any additional helicopters? (3) Does only the Huey form Guardian Two and the other two Bell's form Guardian One? (4) How long does KCSO retain still images and recordings when assisting SPD? (5) Is SPD's Digital Evidence Management System (DEMS) a on-premise or Software-as-aService deployment? (6) Has SPD ever requested KCSO ASU services or obtained data from KCSO's helicopters and/or FLIR technology to surveil protesters? (7) What are the neighborhoods over which KCSO's helicopters have been deployed? (8) What other data gets combined by SPD with the ASU data (such as cellphone geolocations, social media monitoring/intel, other surveillance technologies on the City's Master List, etc.)? City leadership should also be informed that SPD dodged some of these questions by directing the public to submit PRA requests (which have a 6-12 month turnaround time) and IT didn't step in to point out that answers must be provided to the public before the public comment period closes. City leadership should be encouraged to mandate (via SPD manual changes and/or ordinance) to address multiple gaps and add appropriate guardrails to the use of this technology. The current gaps include: (1) SPD manual doesn't define a specific & restricted purpose of use of ASU (so largely the whim of an SPD officer and ASU availability). (2) SPD manual doesn't address ASU being used to surveil protesters and/or targeting historically over-policed communities/neighborhoods. (3) SPD manual doesn't address the privacy of unrelated members of the public, unsuspected of a crime, that may be surveilled with this technology or be in the recordings. (4) Lack of public oversight and accountability regarding SPD leveraging KCSO ASU. City leadership should also be advised to mandate the City produce a publicly available annual report detailing use of KCSO ASU (how SPD used collected data, amount of data, data retention lengths & in what form, where it's stored, & neighborhoods deployed over). It should not take a PRA request for the public to have insight into SPD's use of surveillance tech/data. Without all of these guardrails being added, the technology should be permitted to be used. The risk to the public of over-surveillance is too great.

Do you have any other comments?

There are many areas of improvement by IT/Privacy-dept. regarding their public engagement process on surveillance technologies. Some of the more recent issues include: (1) Public

comment via SurveyMonkey was configured by IT such that a single user (browser session) could only submit public comment on 1 technology. The only way to submit public comment on all the technologies would be use a different browser or clear you browser's cookies/session data, which many less technical people wouldn't know to do. This actively impedes public comment. It is ensuring there is the least public comment possible. (2) The Privacy dept. calendar event for the Group 3 public engagement meeting didn't include the access code for phone-only users to dial-in (one had to know of and go to the TechTalk blog to get the access code). (3) Directions at public engagement meeting for providing verbal public comment were to raise hand in webex which clearly is not possible for phone-only users. (4) Public engagement truncated. CTO told City Council it would be 45 days. Instead IT used 30 days with a 1 week extension agreed to be added (so 37 days). (5) The Group 3 public engagement meeting recording (as of Nov. 12th) has not been posted publicly, so people unable to attend don't have access to the discussion/Q&A before the public comment period closes. (6) SPD has not provided answers before the public comment period closes. (7) SPD further dodged valid questions from the public by requiring PRA requests, which have zero hope of being addressed within the public comment period. (8) IT has repeatedly requested & attained (and in 1 case, just self-granted) time extensions for the Surveillance Ordinance process. When the public needs time for SPD to provide answers so as to provide informed public comment, now suddenly IT is on a tight time schedule and can't extend the public comment period. Additionally, IT/Privacy-dept. has repeatedly lamented the lack of public engagement, but have also taken no additional steps to rectify this for Group 3; and did not heed prior feedback from the CSWG regarding the engagement process. There are numerous steps IT/Privacy-dept. should take to improve public engagement. The recommendations to the CTO & CPO for Group 4 include: (1) Breaking the group into smaller groups. Group 4 on deck with 13 technologies: 2 re-visits of SFD tech, 3 types of undercover technologies, & 8 other technologies. (2) Allocating more time for open public comment: minimum of 2 weeks per each in scope tech (so Group 3 would be 42 days, and Group 4 would be 154 - 182 days). (3) Hold more public engagement meetings per Group - specifically the number of public engagement meetings should at a minimum match the number of technologies being considered for public comment (otherwise the meeting will run out of time before all the questions from the public can even be asked, which did happen with Group 3). (4) Require at the public engagement meetings both a Subject Matter Expert on the use of the technology AND a Subject Matter Expert on the technical management of the technology. There should be no excuse for most of the public's questions being unanswered by the City at these meetings. (5) Hold public engagement meetings that are accessible to marginalized communities most likely to have this technology used against them (such as, holding meetings at various times of day & weekends, having translators, etc). (6) Post online the recordings of all online public engagement meetings at least 1 week before the public comment period closes. (7) Require departments to provide answers to the public's questions at least 1 week before the public comment period closes. (8) Post public announcements for focus groups held by the City (9) Public engagement meetings and focus groups should have at least 1 outside civil liberties representative to present. (10) Publish to

the Privacy website in a more timely manner the CSWG meeting announcements and minutes. (11) Work with more City departments (not just Dept. of Neighborhoods) to foster engagement. (12) Work with more City boards and committees to foster engagement. (13) Provide at least 2 week lead time between announcing a public engagement meeting and the timing of that meeting occurring. (14) Provide early versions of drafts SIRs to the CSWG (as they requested more than once).

ID: 12161313635

Submitted Through: Online Comment

Date: 11/13/2020 11:03:49 AM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Forward Looking Infrared Real-Time Video (FLIR)

What concerns, if any, do you have about the use of this technology?

1

What value, if any, do you see in the use of this technology?

2

What do you want City leadership to consider about the use of this technology?

3

Do you have any other comments?

4

ID: 12128589537

Submitted Through: Online Comment

Date: 11/1/2020 6:58:29 AM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Forward Looking Infrared Real-Time Video (FLIR)

What concerns, if any, do you have about the use of this technology?

It is military weapons platform equipment and technology. They don't share with HLS Fusion? If not today, there is tomorrow.

What value, if any, do you see in the use of this technology?

Only for the further advancement of "Big Brother and to continue supporting paramilitariesing SPD and KCSD.

What do you want City leadership to consider about the use of this technology?

It is used for advanced and long range targeting.

Do you have any other comments?

Read the Voyuer RCW. Naked eye.

ID: 12125455624

Submitted Through: Online Comment

Date: 10/30/2020 12:34:17 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Forward Looking Infrared Real-Time Video (FLIR)

What concerns, if any, do you have about the use of this technology?

In section 4.2 of the full report, "The video is requested as evidence from King County and stored using existing video evidence storage policies including SPDPolicy 7.090." The scope of the data collected is broader than that associated with a request fo

What value, if any, do you see in the use of this technology?

What do you want City leadership to consider about the use of this technology?

City leadership should consider under what conditions this technology is in use and whether a warrant is needed to approve this. The City leadership should consider whether or not this constitutes "evidence." City leadership should consider all of the

Do you have any other comments?

ID: 12118975621

Submitted Through: Online Comment

Date: 10/28/2020 5:09:38 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Forward Looking Infrared Real-Time Video (FLIR)

What concerns, if any, do you have about the use of this technology?

This is a creepy tool to put in the hands of people who have already proven they can't be trusted with the tools they use. This shouldn't be a surveillance state. Our police shouldn't be able to monitor us from the air with technology that can see us when

What value, if any, do you see in the use of this technology?

None that isn't outweighed by putting dangerous surveillance tech in the hands of SPD.

What do you want City leadership to consider about the use of this technology?

Not using it.

Do you have any other comments?

Seattle City Council isn't the Communist Party of China. Don't act like it.

ID: 12118928781

Submitted Through: Online Comment

Date: 10/28/2020 4:50:49 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Forward Looking Infrared Real-Time Video (FLIR)

What concerns, if any, do you have about the use of this technology?

I have no concerns regarding its use.

What value, if any, do you see in the use of this technology?

What do you want City leadership to consider about the use of this technology?

Do you have any other comments?

ID: 12117873188

Submitted Through: Online Comment

Date: 10/28/2020 10:58:58 AM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Forward Looking Infrared Real-Time Video (FLIR)

What concerns, if any, do you have about the use of this technology?

I am concerned innocent bystanders privacy is violated with use of this surveillance.

What value, if any, do you see in the use of this technology?

None. This is major privacy violation.

What do you want City leadership to consider about the use of this technology?

Refuse.

Do you have any other comments?

The links to comment on proposed surveillance methods are difficult to find and if I didn't know any better, I'd say they're "hidden" purposefully.

ID: 12111684041

Submitted Through: Online Comment

Date: 10/26/2020 6:20:22 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Forward Looking Infrared Real-Time Video (FLIR)

What concerns, if any, do you have about the use of this technology?

I am concerned that a) this technology is or will be used against protesters exercising their first amendment rights to freedom of speech and assembly, that it will have a chilling effect on those rights, and create safety issues for protesters if informa

What value, if any, do you see in the use of this technology?

What do you want City leadership to consider about the use of this technology?

Do you have any other comments?

ID: 12111484053

Submitted Through: Online Comment

Date: 10/26/2020 4:52:50 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Forward Looking Infrared Real-Time Video (FLIR)

What concerns, if any, do you have about the use of this technology?

Every time I turn around, I see another article about how technology is deepening inequities. Increased surveillance is not the answer to our social ills--it will only deepen them.

What value, if any, do you see in the use of this technology?

None. We do not need more surveillance. There is enough already!

What do you want City leadership to consider about the use of this technology?

The social costs are potentially very deep, and far outweigh any savings in terms of police time or private property.

Do you have any other comments?

ID: 12103746854

Submitted Through: Online Comment

Date: 10/23/2020 9:02:47 AM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Forward Looking Infrared Real-Time Video (FLIR)

What concerns, if any, do you have about the use of this technology?

None

What value, if any, do you see in the use of this technology?

Assist in locating/tracking for a variety of reasons more efficiently in most any environment or condition

What do you want City leadership to consider about the use of this technology?

There should be oversight, rules and regulations regarding the use of this tool and subsequent data with accountability

Do you have any other comments?

Not at this time

ID: 12102858883

Submitted Through: Online Comment

Date: 10/23/2020 4:31:30 AM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Forward Looking Infrared Real-Time Video (FLIR)

What concerns, if any, do you have about the use of this technology?

Thermal Imaging will be abused to surveil, track, direct, and disrupt legal protest movements.

What value, if any, do you see in the use of this technology?

Thermal Imaging enables easier searching of victims in Search and Rescue.

What do you want City leadership to consider about the use of this technology?

Limit usage to casualty events or search and rescue. That's where it's totally positive.

Do you have any other comments?

ID: 12102022133

Submitted Through: Online Comment

Date: 10/22/2020 8:19:02 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Forward Looking Infrared Real-Time Video (FLIR)

What concerns, if any, do you have about the use of this technology?

This technology will not be used to keep anyone safe. Rather it will be used to surveil members of the public, specifically protestors, in order to arrest, attack, and harm them. SPD has already used tools at their disposable to brutalize protestors and B

What value, if any, do you see in the use of this technology?

There is no value to this technology.

What do you want City leadership to consider about the use of this technology?

There is no reason that residents of Seattle should be surveilled in this manner. This will only cause more harm. Do not authorize the use of this technology.

Do you have any other comments?

Do not authorize the use of this technology. If you do, more members of the public will be attested, injured, or killed by the police.

ID: 12101809731

Submitted Through: Online Comment

Date: 10/22/2020 6:10:30 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Forward Looking Infrared Real-Time Video (FLIR)

What concerns, if any, do you have about the use of this technology?

I don't think we can trust SPD to use this responsibly. They've proven that they will track down, harass, and persecute those who disagree with their tactics. It's a department full of white supremacists. We don't need to put this kind of technology into

What value, if any, do you see in the use of this technology?

While I want to think it would be helpful, I see none at this point, given that the SPD will use the technology. It really renders even considering value useless. Its value is negative to Seattle Citizens.

What do you want City leadership to consider about the use of this technology?

If there is any technology that the SPD can use to track people down, they will use it for hunting down black, brown, indigenous, and transgender people, as well as any other minority and marginalized groups that they can. There are obvious cases, on came

Do you have any other comments?

DEFUND THE SPD

ID: 12101790683

Submitted Through: Online Comment

Date: 10/22/2020 5:59:10 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Forward Looking Infrared Real-Time Video (FLIR)

What concerns, if any, do you have about the use of this technology?

This comment applies to all listed technologies. SPD is a deeply untrustworthy agency that has not proven their use of technology responsible. This technology will be used to repress citizens by an organization that has repeatedly proven their disdain for

What value, if any, do you see in the use of this technology?

None. This will purely be used to harm citizens and further the reach of out of control agency.

What do you want City leadership to consider about the use of this technology?

I want city leadership to know that this technology will only further erode the trust of the people in their city. SPD will use this technology irresponsibly as they have with SDOTs traffic cameras.

Do you have any other comments?

ID: 12101680822

Submitted Through: Online Comment

Date: 10/22/2020 5:06:33 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Forward Looking Infrared Real-Time Video (FLIR)

What concerns, if any, do you have about the use of this technology?

Please apply my comments to all surveillance tech listed here. SPD needs to be dismantled to all but officers needed for violent crime and to purge it of a culture of white supremacy. Their poor handling/escalation of force with recent protests means they

What value, if any, do you see in the use of this technology?

None. This equipment has no place in our community, especially with a police force as untrustworthy with equipment and citizen's safety as ours.

What do you want City leadership to consider about the use of this technology?

It will only be abused. Until SPD is torn down and non-violent crime services moved elsewhere we cannot continue to arm them with ever more advanced equipment.

Do you have any other comments?

I don't consider myself an activist but can't ignore the heinous and brazen behavior of SPD in recent months and don't want to see investment made in technology they'll surely use to further abuse citizens.

ID: 12101591052

Submitted Through: Online Comment

Date: 10/22/2020 4:28:31 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Forward Looking Infrared Real-Time Video (FLIR)

What concerns, if any, do you have about the use of this technology?

Are flashlights not good enough for SPD? I don't see a use case for the police to use FLIR where a regular light would not serve the same purpose. Seattle is not a war zone.

What value, if any, do you see in the use of this technology?

It's a great way to waste our money.

What do you want City leadership to consider about the use of this technology?

I don't want to live in a city where the police can surveil you and identify you anywhere at any time. I should be able to attend a protest or political meeting and not worry about extrajudicial police harassment. SPD has recently and repeatedly shown its

Do you have any other comments?

All of these are an incredible waste of money, especially when the rest of the city is looking at austerity.

ID: 12101428379

Submitted Through: Online Comment

Date: 10/22/2020 3:18:06 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Forward Looking Infrared Real-Time Video (FLIR)

What concerns, if any, do you have about the use of this technology?

Law enforcement has demonstrated a lack of regard for the fourth amendment and I do not think that expanding their power to record residents without a warrant is wise in any form.

What value, if any, do you see in the use of this technology?

None

What do you want City leadership to consider about the use of this technology?

Don't use it

Do you have any other comments?

ID: 12101367556

Submitted Through: Online Comment

Date: 10/22/2020 2:54:00 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Forward Looking Infrared Real-Time Video (FLIR)

What concerns, if any, do you have about the use of this technology?

None.

What value, if any, do you see in the use of this technology?

This will save officers lives and the lives of the public

What do you want City leadership to consider about the use of this technology?

Aloe the use of this technology. It will save lives.

Do you have any other comments?

Aloe the use of this technology. It will save lives.

ID: 12101215876

Submitted Through: Online Comment

Date: 10/22/2020 1:55:56 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Forward Looking Infrared Real-Time Video (FLIR)

What concerns, if any, do you have about the use of this technology?

Isn't this technology going to be used for the further suppression of protests against police brutality?

What value, if any, do you see in the use of this technology?

The SPD budget is already bloated and over funded

What do you want City leadership to consider about the use of this technology?

The money that would be used on these surveillance technologies should be going to housing and social services. Our city is in a homelessness crisis.

Do you have any other comments?

I'm disgusted to see the SPD doing the opposite of what the protest movement has demanded of them. We dont need more gadgets to increase policing we need more social services- what studies have proven ACTUALLY decrease crime and mortality

ID: 12101204854

Submitted Through: Online Comment

Date: 10/22/2020 1:51:35 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Forward Looking Infrared Real-Time Video (FLIR)

What concerns, if any, do you have about the use of this technology?

Why does the Seattle Police Department feel the need to use military surveillance equipment on its domestic population?

What value, if any, do you see in the use of this technology?

None, disgusting

What do you want City leadership to consider about the use of this technology?

I would like City leadership to consider why they feel it is appropriate to arm our police force to the teeth like its own small paramilitary group

Do you have any other comments?

Abolish the Seattle Police Department, remove Jenny Durkan from office

ID: 12101046061

Submitted Through: Online Comment

Date: 10/22/2020 12:58:06 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Forward Looking Infrared Real-Time Video (FLIR)

What concerns, if any, do you have about the use of this technology?

No matter what you say in response to public comment, we know you're just using this to help oppress citizens and protesters. Come on.

What value, if any, do you see in the use of this technology?

None

What do you want City leadership to consider about the use of this technology?

Abandon it.

Do you have any other comments?

You are the villains you grew up hoping to never be.

ID: 12101028005

Submitted Through: Online Comment

Date: 10/22/2020 12:52:28 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Forward Looking Infrared Real-Time Video (FLIR)

What concerns, if any, do you have about the use of this technology?

Citizens under the 4th amendment have a right to privacy. You're surveiling citizens with a presumption that they are guilty and don't deserve that right. It's not okay.

What value, if any, do you see in the use of this technology?

None. Literally none.

What do you want City leadership to consider about the use of this technology?

I want them to not implement it and not allow our police to use any type of technology that infringes on our inalienable rights as Americans.

Do you have any other comments?

Defund SPD should also include their technologies used for spying on citizens.

Appendix D: Letters from Organizations or Commissions

November 6, 2020

Seattle Information Technology
700 5th Ave, Suite 2700
Seattle, WA 98104

RE: ACLU of Washington Comments on Group 3 Surveillance Technologies

On behalf of the ACLU of Washington, I write to offer our comments on the surveillance technologies included in Group 3 of the Seattle Surveillance Ordinance implementation process.

The three Seattle Police Department (SPD) technologies in Group 3 are covered in the following order:

1. Forward Looking Infrared – King County Sheriff's Office Helicopters
2. Video Recording Systems
3. Situational Awareness Cameras Without Recording

These comments should be considered preliminary, given that the Surveillance Impact Reports (SIR) for each technology leave a number of important questions unanswered. Specific unanswered questions for each technology are noted in the comments relating to that technology. Answers to these questions should be included in the updated SIRs provided to the Community Surveillance Working Group and to the City Council prior to their review of the technologies.

Forward Looking Infrared - KCSO Helicopters

Background

Forward Looking Infrared (FLIR) is a powerful thermal imaging surveillance technology that raises a number of privacy and civil liberties concerns because of its ability to enable dragnet surveillance of individuals in public as well as in private spaces.

FLIR cameras sense infrared radiation to create images assembled for real-time video output. This technology detects small differences in heat, or emitted thermal energy, and displays them as shades of gray or with different colors. Because all objects emit different amounts of thermal energy, FLIR cameras are able to detect temperature differences and translate them into images.¹

Advanced thermal imaging systems like FLIR allow governments to increase their surveillance capabilities. Like any device used for surveillance, government agents may use it inappropriately to gather information on people based on their race, religion, or political views. While thermal imaging devices cannot “see” through

¹ ACLU of Washington, *Thermal Imaging Surveillance*, [THEYAREWATCHING.ORG](https://theyarewatching.org/technology/thermal-imaging-surveillance), <https://theyarewatching.org/technology/thermal-imaging-surveillance> (last visited Nov. 5, 2020).



P. O. Box 2728
Seattle, WA 98111-2728
(206) 624-2184
aclu-wa.org

Tana Lin
Board President

Michele Stormo
Executive Director

walls, pointing a thermal camera at a building can still reveal sensitive information about what is happening inside. Drug detectives often use these devices to identify possible marijuana growers by looking for heat consistent with grow lights.² Furthermore, privacy and civil liberties concerns with FLIR are magnified when FLIR is used in conjunction with other powerful surveillance tools such as facial recognition and drones.

The Seattle Police Department (SPD) uses three King County Sheriff's Office helicopters that are equipped with FLIR technology as well as 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. SPD can use FLIR technology and these helicopters to monitor human beings (whose body temperatures are fairly consistent) through clouds, haze, and darkness.

There are serious concerns with SPD's use of KCSO's helicopters as described in the SIR. The policies attached in the SIR do not include purpose limitations, adequate privacy and security protections, or restrictions on use. The SIR also does not specify how long KCSO retains still images and recordings attained when assisting SPD, or whether SPD's Digital Evidence Management System (DEMS) is an on-premise or a Software-as-a-Service (SaaS) deployment.

At the public engagement meeting held on October 28, 2020,³ SPD officers were asked if SPD had ever used KCSO helicopters or FLIR technology for the purpose of surveilling protesters and if SPD had any policies prohibiting use of these technologies for protester surveillance. The officers were also asked over which neighborhoods the helicopters had been deployed, given that the SIR states that in 2018, Guardian One was deployed 45 times to SPD events. For both questions, SPD officers declined to answer and told the public to submit public records requests. However, because SPD's Public Records Act request portal states that the minimum response timeline is in excess of 6-12 months, members of the public would not be able to receive answers to these questions in time to submit public comments on these technologies.

Given the lack of adequate policies in the SIR and the number of unanswered questions that remain, we have concerns that SPD's use of KCSO's helicopters and FLIR technology may infringe upon people's civil rights and civil liberties. KCSO's FLIR-equipped helicopters may be used to disproportionately surveil historically targeted communities, individuals exercising their constitutionally protected right to protest, or people just going about their lives.

Specific Concerns

² In the 2001 case *Kyllo v. United States*, the U.S. Supreme Court ruled that federal agents violated the Fourth Amendment when they used a thermal imaging device to detect marijuana plants growing inside a home.

³ Seattle Police Department, *Surveillance Technology Public Comment Meeting*, CITY OF SEATTLE (Oct. 28, 2020), <https://www.seattle.gov/Documents/Departments/Tech/Privacy/Group%203%20Presentation.pdf>.

- **There are inadequate policies defining purpose of use.** The policies cited in the SIR do not impose meaningful restrictions on the purpose for which SPD may request that KCSO helicopters and FLIR technology be used. Policy 16.060 – King County Sheriff’s Office Air Support Unit⁴ simply states that “Guardian One offers air support for patrol and specialized missions” and that “Guardian Two offers air support for special operations such as search and rescue (SAR) and tactical missions.” This policy only describes the process by which SPD may request support from KCSO’s air support unit but does not state the specific purposes for which SPD may or may not request support. Section 4.9 of the SIR⁵ states that SPD may request video from KCSO’s Air Unit “[w]hen necessary and pertinent to a specific investigation” but does not specify the types of investigations for which SPD may request data from KCSO or how it is determined if such data is necessary and pertinent. Policy 6.060 – Collection of Information for Law Enforcement Purposes⁶ states that “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” and Policy 5.140 – Bias-Free Policing states that “officers will not engage in bias-based policing.”⁷ However, SPD’s answers at the October 28 public engagement meeting do not make clear whether and how SPD prohibits use of KCSO helicopters to engage in surveillance of protesters or biased policing. Section 1.4.2 of the Racial Equity Toolkit (RET) section of the SIR specifically asks: “How are decisions made where the technology is used or deployed? How does the Department work to ensure diverse neighborhoods are not specifically targeted?”⁸ The response from SPD directs attention to SPD Policy 16.060, which does not provide adequate purpose limitations.
- **There are inadequate policies restricting data collection.** The policies cited in the SIR do not place any restrictions on the amount or types of data SPD may request from KCSO. At the October 28 public engagement meeting, SPD officers did not answer whether or how SPD places time or geographic limitations on the data it may request from KCSO.

⁴ Seattle Police Department, *Seattle Police Department Manual: 16.060 - King County Sheriff’s Office Air Support Unit*, CITY OF SEATTLE (Mar. 1, 2016), <http://www.seattle.gov/police-manual/title-16---patrol-operations/16060---king-county-sheriffs-office-air-support-unit>.

⁵ Seattle Police Department, *2020 Surveillance Impact Report: Forward Looking Infrared Real-Time Video (FLIR) (KCSO Helicopters)*, CITY OF SEATTLE, at 12, http://www.seattle.gov/Documents/Departments/Tech/Privacy/FLIR%20-%20KCSO%20Helicopters%20Public_Engagement%20SIR.pdf (last visited Nov. 5, 2020).

⁶ Seattle Police Department, *Seattle Police Department Manual: 6.060 - Collection of Information for Law Enforcement Purposes*, CITY OF SEATTLE (May 19, 2004), <http://www.seattle.gov/police-manual/title-6---arrests-search-and-seizure/6060---collection-of-information-for-law-enforcement-purposes>.

⁷ Seattle Police Department, *Seattle Police Department Manual: 5.140 - Bias-Free Policing*, CITY OF SEATTLE (Aug. 1, 2019), <http://www.seattle.gov/police-manual/title-5---employee-conduct/5140---bias-free-policing>.

⁸ *2020 Impact Report: Infrared Video*, supra note 5, at 23.

- **It is unclear if and how SPD protects the privacy of individuals unrelated to an investigation.** The SIR does not include any policies regarding how it redacts or deletes information. At the October 28 public engagement meeting, SPD officers did not provide an answer to the question of whether and how it redacts or deletes information collected that may compromise the privacy of individuals unrelated to an investigation.
- **It is unclear how data collected are stored and protected.** SPD stated at the October 28 public engagement meeting that it is unaware of how long KCSO retains still images and recordings obtained when assisting SPD. While SPD officers stated that SPD stores video requested from KCSO in its Digital Evidence Management System (DEMS)—not Evidence.com, this is not made clear within the SIR. Additionally, SPD officers did not answer whether SPD’s DEMS is on on-premise or Software-as-a-Service (SaaS) deployment.
- **The SIR does not provide the dates and neighborhoods over which KCSO helicopters and FLIR technology have been deployed.** Though the SIR states that there have been 45 deployments of Guardian One to support SPD in 2018, the SIR does not include an analysis of the locations of those deployments.⁹ Additionally, during the October 28 public engagement meeting, SPD declined to state the neighborhoods over which the helicopters had been deployed. It is important that SPD include this information in the Racial Equity Toolkit section of the final SIR in order to address the following questions in Section 1.4.2: “How are decisions made where the technology is used or deployed? How does the Department work to ensure diverse neighborhoods are not specifically targeted?”¹⁰

Outstanding Questions

- What are the registration and/or tail numbers for each helicopter?
- In 2019 and 2020, did the KCSO Air Support Unit have any additional helicopters aside from the three listed in the SIR?
- How long does KCSO retain still images and recordings attained when assisting SPD?
- Is SPD’s Digital Evidence Management System (DEMS) an on-premise deployment or is it Software-as-a-Service?
- Has SPD ever requested KCSO ASU services or obtained data from KCSO’s helicopters and/or FLIR technology to surveil protesters?
- What are the neighborhoods over which KCSO’s helicopters have been deployed?

Recommendations for Regulation

At this stage, pending answers to the questions above, we can make only preliminary recommendations for the regulation of SPD’s use of KCSO’s helicopters and FLIR technology. We recommend that the Council adopt, via ordinance, at a minimum, clear and enforceable rules that ensure the following:

⁹ *Id.* at 9.

¹⁰ *Id.* at 23.

- **SPD must abide by a specific and restricted purpose of use:** The ordinance should define a specific purpose of use for KCSO's helicopters and FLIR technology, and any SPD use of KCSO's helicopters and FLIR technology and data collected with these technologies must be restricted to that specific purpose.
- **SPD must adopt processes to ensure it is not targeting diverse neighborhoods.** The ordinance should prohibit SPD from using KCSO's helicopters and FLIR technology to disproportionately surveil communities of color and other historically over-policed communities.
- **SPD must protect the privacy of individuals unrelated to a specific search or investigation.** The ordinance should require SPD to redact or delete information collected that may compromise the privacy of individuals not related to a specific search or investigation, restricted by the purpose of use.
- **SPD must produce a publicly available annual report detailing its use of KCSO helicopters and FLIR technology.** The ordinance should require that SPD produce an annual report including details on how SPD used the data collected, the amount of data collected, for how long data were retained and in what form, where the data are stored, and the neighborhoods over which KCSO helicopters and/or FLIR technology were deployed.

Video Recording Systems

Background

SPD uses two cameras systems to record and/or monitor members of the public within SPD interview rooms, Blood Alcohol Collection (BAC) rooms, and precinct holding cells: Genetec Video Management System and Milestone Systems XProtect Video Management Software and Products.

Genetec Video Management System is a permanently installed system primarily used to record in-person interactions and interviews with crime victims, witnesses, and suspects in seven designated interview rooms located at the SPD headquarters in the Seattle Justice Center. This system is used to create a video record of interviews for the purposes of use in criminal justice proceedings. Milestone Systems XProtect Video Management Software and Products is a permanently installed system in SPD's Blood Alcohol Collection (BAC) rooms and precinct holding cells. They record continuously all activity in those locations.¹¹

SPD's use of these video recording systems can pose threats to people's privacy and civil liberties if used without adequate safeguards. The SIR does not provide adequate purpose limitations regarding SPD's use of these technologies, does not include full details of the capabilities of these systems, and does not adequately specify technical and procedural safeguards to prevent improper viewing,

¹¹ Seattle Police Department, *2020 Surveillance Impact Report: Video Recording Systems (Interview, Blood-Alcohol Collection Room, and Precinct Holding Cell Audio)*, CITY OF SEATTLE, at 4, https://www.seattle.gov/Documents/Departments/Tech/Privacy/Video%20Recording%20Systems%20Public_Engagement%20SIR.pdf (last visited Nov. 5, 2020).

collection, or storage of the images or video footage.

Specific Concerns

- **There are inadequate policies defining purpose of use.** Section 4.9 of the SIR asks, “What are acceptable reasons for access to the equipment and/or data collected?”¹² The response does not specifically detail how and for what purpose the equipment and/or data collected from the equipment may be used.
- **The capabilities of the Genetec and Milestone systems are unclear.** SPD does not provide links or attachments providing specific details about either of the systems they use. Both Genetec¹³ and Milestone¹⁴ advertise facial recognition systems that may be integrated with its video management systems.
- **It is unclear how data are collected, stored, and protected.** The SIR does not make clear whether SPD stores the data they receive in the Digital Evidence Management System or Evidence.com, a cloud-based digital evidence platform owned by Axon. The SIR simply references SPD policy 7.110 – Recorded Statements, which states that data may be uploaded to the Digital Evidence Management System (DEMS) or Evidence.com.¹⁵ Additionally, the SIR does not include information about the security practices SPD follows to protect the privacy of members of the public who are recorded by the Genetec and Milestone video management systems. Finally, the SIR does not specify who has permission to modify the pan, tilt, and/or zoom of the cameras.

Outstanding Questions

- Does SPD use a Genetec or Milestone partner add-on that enables facial recognition or other biometric data collection/identification?
- How are firmware/software updates applied to the Genetec systems?
- What security practices does SPD follow?
- Where does the SPD Evidence Section store the Genetec-generated recordings and Milestone recordings they receive?
- For both the Genetec and Milestone systems, who has permission to modify the pan, tilt, and/or zoom of the cameras?

¹² *Id.* at 12.

¹³ *Security Center Omnicast IP video surveillance*, GENETEC, <https://resources.genetec.com/video-modules-and-add-ons/omnicast-ip-video-surveillance> (last visited Nov. 5, 2020).

¹⁴ *Dahua Face Recognition Plugin for Milestone VMS*, MILESTONE, <https://www.milestonesys.com/marketplace/zhejiang-dahua-technology-co.-ltd/dahua-face-recognition-plugin-for-milestone-vms/> (last visited Nov. 5, 2020); *Id-Guard Face Recognition Plugin*, MILESTONE, <https://www.milestonesys.com/marketplace/ll-recfaces/id-guard-face-recognition-plugin/> (Nov. 5, 2020).

¹⁵ Seattle Police Department, *Seattle Police Department Manual: 7.110 - Recorded Statements*, CITY OF SEATTLE (Oct. 1, 2020), <https://www.seattle.gov/police-manual/title-7---evidence-and-property/7110---recorded-statements>.

Recommendations for Regulation

At this stage, pending answers to the questions above, we can make only preliminary recommendations for the regulation of SPD's use of video recording systems. We recommend that the Council adopt, via ordinance, at a minimum, clear and enforceable rules that ensure the following:

- **SPD must abide by a specific and restricted purpose of use:** The ordinance should define a specific purpose of use for any video recording systems used by SPD, and any use must be restricted to that specific purpose.
- **SPD must not use any video recording systems that have capabilities beyond what is strictly necessary to fulfill the purpose of use (e.g., recording custodial interrogations).** The ordinance should prohibit incorporating additional services such as facial recognition systems with the video recording systems.

Situational Awareness Cameras Without Recording

Background

SPD uses four types of portable cameras to observe both public and private areas during tactical operations. The four types of cameras and their vendors are:

- Robot-mounted cameras – RoboteX
- Pole-mounted cameras – Tactical Electronics & Smith and Wesson
- Placeable cameras – Remington & Tactical Electronics
- Throwable cameras – Remington & Tactical Electronics¹⁶

SPD's use of these situational awareness cameras can pose threats to people's privacy and civil liberties if used without adequate safeguards. The SIR does not provide adequate purpose limitations regarding SPD's use of these technologies, does not include full details of the capabilities of the cameras, and does not adequately specify technical and procedural safeguards to prevent improper viewing, collection, or storage of the images or video footage.

Specific Concerns

- **There are inadequate policies defining purpose of use.** Section 4.9 of the SIR asks, "What are acceptable reasons for access to the equipment and/or data collected?" The response states: "The decision to use situational awareness cameras is made on a case-by-case basis. These devices allow officers to monitor a subject or watch situation from a position of safety and distance. Absent exigent circumstances, a signed warrant is obtained prior to the use of this technology in any protected area."¹⁷ This response does not

¹⁶ Seattle Police Department, *2020 Surveillance Impact Report: Situational Awareness Cameras Without Recording*, CITY OF SEATTLE, at 5, https://www.seattle.gov/Documents/Departments/Tech/Privacy/Situational%20Awareness%20Cameras%20Public_Engagement%20SIR.pdf (last visited Nov. 5, 2020).

¹⁷ *Id.* at 8.

provide a clear and limited purpose for which this technology may or may not be used. While SPD's response states that a warrant is obtained prior to use of the cameras in protected areas, such as inside a home, it does not state the specific purposes for which SPD may or may not use the cameras without a warrant.

- **The capabilities of the situational awareness cameras are unclear.** The SIR does not provide manuals or the complete model names and/or numbers of each of the camera technologies. During the October 28 public engagement meeting, SPD stated that their situational awareness cameras do not support recording. However, the vendor websites advertise situational awareness cameras that do support recording. For example, the Tactical Electronics Core Monitor,¹⁸ Pole Camera,¹⁹ and Under Door Camera²⁰ can either take photos, record video, and/or record audio.
- **It is unclear what technical and procedural safeguards are in place to prevent the improper viewing, collection, and storage of images.** During the October 28 public engagement meeting, SPD stated that there is no way that images, video, or audio footage could be collected and stored. In order to verify that information, SPD must provide detailed information about the technologies it uses as stated above. Additionally, even if the cameras themselves cannot record footage, it is unclear if there are policies and procedures in place to prevent live-streamed situational camera footage from being recorded via a different device.

Outstanding Questions

- What are the complete model names/numbers for each of the equipment in scope for the Situational Awareness Cameras?
- What technical safeguards are in place to prevent the storage/retention of images?
- 7.3 of Situational Awareness Cameras SIR states "[the SWAT Unit] have mitigated the risk of improper viewing of the protected areas." How specifically have they mitigated the risk?
- What (if any) sections of the SPD Manual specifically cover the use of these technologies by SWAT?

Recommendations for Regulation

At this stage, pending answers to the questions above, we can only make preliminary recommendations for the regulation of SPD's use of situational awareness cameras. We recommend that the Council adopt, via ordinance, at a minimum, clear and enforceable rules that ensure the following:

¹⁸ *Core Monitor*, TACTICAL ELEC., <https://www.tacticalelectronics.com/product/core-monitor/> (last visited Nov. 5, 2020).

¹⁹ *Core Pole Camera*, TACTICAL ELEC., <https://www.tacticalelectronics.com/product/core-pole-camera/> (last visited Nov. 5, 2020).

²⁰ *Core Under Door Camera*, TACTICAL ELEC., <https://www.tacticalelectronics.com/product/core-under-door-camera/> (last visited Nov. 5, 2020).

- **SPD must abide by a specific and restricted purpose of use:** The ordinance should define a specific purpose of use for situational awareness cameras used by SPD, and any use must be restricted to that specific purpose.
- **SPD must not use any situational awareness cameras that have capabilities beyond what is strictly necessary to fulfill the purpose of use defined by the ordinance.** The ordinance should prohibit SPD from using cameras that have facial recognition or recording capabilities.
- **SPD must adopt technical and procedural safeguards to prevent misuse of the situational awareness cameras.** The ordinance should require SPD adopt safeguards that prevent use of the cameras or the footage streamed from the cameras for purposes beyond what is defined in the ordinance.

Thank you for your consideration of our comments and for facilitating this public review process.

Sincerely,

Jennifer Lee
Technology and Liberty Project Manager

Appendix E: CTO Notification of Surveillance Technology

Thank you for your department's efforts to comply with the new Surveillance Ordinance, including a review of your existing technologies to determine which may be subject to the Ordinance. I recognize this was a significant investment of time by your staff; their efforts are helping to build Council and public trust in how the City collects and uses data.

As required by the Ordinance (SMC 14.18.020.D), this is formal notice that the technologies listed below will require review and approval by City Council to remain in use. This list was determined through a process outlined in the Ordinance and was submitted at the end of last year for review to the Mayor's Office and City Council.

The first technology on the list below must be submitted for review by March 31, 2018, with one additional technology submitted for review at the end of each month after that. The City's Privacy Team has been tasked with assisting you and your staff with the completion of this process and has already begun working with your designated department team members to provide direction about the Surveillance Impact Report completion process.

Please let me know if you have any questions.

Thank you,

Michael Mattmiller

Chief Technology Officer

Technology	Description	Proposed Review Order
Automated License Plate Recognition (ALPR)	ALPRs are computer-controlled, high-speed camera systems mounted on parking enforcement or police vehicles that automatically capture an image of license plates that come into view and converts the image of the license plate into alphanumeric data that can be used to locate vehicles reported stolen or otherwise sought for public safety purposes and to enforce parking restrictions.	1
Booking Photo Comparison Software (BPCS)	BCPS 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 identify the person in the picture to further investigate his or her involvement in the crime. Use of BPCS is governed by SPD Manual §12.045 .	2
Forward Looking Infrared Real-time video (FLIR)	Two King County Sheriff’s Office helicopters with Forward Looking Infrared (FLIR) send a real-time microwave video downlink of ongoing events to commanders and other decision-makers on the ground, facilitating specialized radio tracking equipment to locate bank robbery suspects and provides a platform for aerial photography and digital video of large outdoor locations (e.g., crime scenes and disaster damage, etc.).	3

Technology	Description	Proposed Review Order
<p>Undercover/ Technologies</p>	<p>The following groups of technologies are used to conduct sensitive investigations and should be reviewed together.</p> <ul style="list-style-type: none"> • Audio recording devices: A hidden microphone to audio record individuals without their knowledge. The microphone is either not visible to the subject being recorded or is disguised as another object. Used with search warrant or signed Authorization to Intercept (RCW 9A.73.200). • Camera systems: A hidden camera used to record people without their knowledge. The camera is either not visible to the subject being filmed or is disguised as another object. Used with consent, a search warrant (when the area captured by the camera is not in plain view of the public), or with specific and articulable facts that a person has or is about to be engaged in a criminal activity and the camera captures only areas in plain view of the public. • Tracking devices: A hidden tracking device carried by a moving vehicle or person that uses the Global Positioning System to determine and track the precise location. U.S. Supreme Court v. Jones mandated that these must have consent or a search warrant to be used. 	<p>4</p>
<p>Computer-Aided Dispatch (CAD)</p>	<p>CAD is used to initiate public safety calls for service, dispatch, and to maintain the status of responding resources in the field. It is used by 911 dispatchers as well as by officers using mobile data terminals (MDTs) in the field.</p>	<p>5</p>

Technology	Description	Proposed Review Order
CopLogic	System allowing individuals to submit police reports on-line for certain low-level crimes in non-emergency situations where there are no known suspects or information about the crime that can be followed up on. Use is opt-in, but individuals may enter personally-identifying information about third-parties without providing notice to those individuals.	6
Hostage Negotiation Throw Phone	A set of recording and tracking technologies contained in a phone that is used in hostage negotiation situations to facilitate communications.	7
Remotely Operated Vehicles (ROVs)	These are SPD non-recording ROVs/robots used by Arson/Bomb Unit to safely approach suspected explosives, by Harbor Unit to detect drowning victims, vehicles, or other submerged items, and by SWAT in tactical situations to assess dangerous situations from a safe, remote location.	8
911 Logging Recorder	System providing networked access to the logged telephony and radio voice recordings of the 911 center.	9
Computer, cellphone and mobile device extraction tools	Forensics tool used with consent of phone/device owner or pursuant to a warrant to acquire, decode, and analyze data from smartphones, tablets, portable GPS device, desktop and laptop computers.	10
Video Recording Systems	These systems are to record events that take place in a Blood Alcohol Concentration (BAC) Room, holding cells, interview, lineup, and polygraph rooms recording systems.	11
Washington State Patrol (WSP) Aircraft	Provides statewide aerial enforcement, rapid response, airborne assessments of incidents, and transportation services in support of the Patrol's public safety mission. WSP Aviation currently manages seven aircraft equipped with FLIR cameras. SPD requests support as needed from WSP aircraft.	12

Technology	Description	Proposed Review Order
Washington State Patrol (WSP) Drones	WSP has begun using drones for surveying traffic collision sites to expedite incident investigation and facilitate a return to normal traffic flow. SPD may then request assistance documenting crash sites from WSP.	13
Callyo	This software may be installed on an officer's cell phone to allow them to record the audio from phone communications between law enforcement and suspects. Callyo may be used with consent or search warrant.	14
I2 iBase	The I2 iBase crime analysis tool allows for configuring, capturing, controlling, analyzing and displaying complex information and relationships in link and entity data. iBase is both a database application, as well as a modeling and analysis tool. It uses data pulled from SPD's existing systems for modeling and analysis.	15
Parking Enforcement Systems	Several applications are linked together to comprise the enforcement system and used with ALPR for issuing parking citations. This is in support of enforcing the Scofflaw Ordinance SMC 11.35 .	16
Situational Awareness Cameras Without Recording	Non-recording cameras that allow officers to observe around corners or other areas during tactical operations where officers need to see the situation before entering a building, floor or room. These may be rolled, tossed, lowered or throw into an area, attached to a hand-held pole and extended around a corner or into an area. Smaller cameras may be rolled under a doorway. The cameras contain wireless transmitters that convey images to officers.	17
Crash Data Retrieval	Tool that allows a Collision Reconstructionist investigating vehicle crashes the opportunity to image data stored in the vehicle's airbag control module. This is done for a vehicle that has been in a crash and is used with consent or search warrant.	18

Technology	Description	Proposed Review Order
Maltego	An interactive data mining tool that renders graphs for link analysis. The tool is used in online investigations for finding relationships between pieces of information from various sources located on the internet.	19

Please let me know if you have any questions.

Thank you,

Michael

Forward Looking Infrared Real-Time Video (FLIR)

(KCSO Helicopters)

Seattle Police Department

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 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."¹ 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 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 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 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 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 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 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 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).

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.

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 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: 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.

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
SPD / ITD	Rebecca Boatwright / Vinh Tang	Neal Capapas/206-684-5292

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to surveillance technology implementation; authorizing approval of uses and accepting the 2020 surveillance impact report and 2020 executive overview for the Seattle Police Department’s use of Forward Looking Infrared Real-Time Video.

Summary and background of the Legislation: Per SMC Chapter 14.18 (also known as the Surveillance Ordinance), authorizing the approval of the surveillance impact reports for Seattle Police Department’s continued use of Forward Looking Infrared Real-Time Video (FLIR) as deployed by King County Sheriff’s Office helicopters.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? Yes No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? Yes No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

This technology is currently in use by the Seattle Police Department through King County Sheriff’s Office helicopters at no charge.

Is there financial cost or other impacts of *not* implementing the legislation?

Per the Surveillance Ordinance, the City department may continue use of the technology until legislation is implemented. As such, there are no financial costs or other impacts that would result from not implementing the legislation.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

This legislation does not affect other departments.

b. Is a public hearing required for this legislation?

A public hearing is not required for this legislation.

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No publication of notice is required for this legislation.

d. Does this legislation affect a piece of property?

This legislation does not affect a piece of property.

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

The Surveillance Ordinance in general is designed to address civil liberties and disparate community impacts of surveillance technologies. The Surveillance Impact Review included in the attachments, as required by the Surveillance Ordinance, includes a Racial Equity Toolkit review adapted for this purpose.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

No.

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

No.

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?

There is no new initiative or programmatic expansion associated with this legislation. It approves the continuation of use for the specific technology under review.

April 29, 2021

MEMORANDUM

To: Transportation and Utilities Committee
From: Lise Kaye, Analyst
Subject: Council Bill 120053 - Authorizing approval of uses and accepting the surveillance impact report for the Seattle Police Department's use of Forward Looking Infrared Real-Time Video

On Wednesday, April 7, 2021 the Transportation and Utilities Committee will discuss [Council Bill \(CB\) 120053](#). The bill is intended to meet the requirements of [Seattle Municipal Code Chapter 14.18](#), Acquisition and Use of Surveillance Technologies.¹ CB 120053 would approve the Seattle Police Department's (SPD's) continued use of existing Forward Looking Infrared Real-Time Video technology (FLIR Video) as deployed by King County Sheriff's Office (KCSO) helicopters and accept the Surveillance Impact Report (SIR) and an Executive Overview for this technology.² The Executive Overview summarizes the operational policy statements which represent SPD's allowable uses of the FLIR Video equipment and data.

This memo describes the FLIR Video technology and summarizes potential civil liberties impacts, potential disparate impacts on historically targeted communities and vulnerable populations, and the public engagement process, as reported in the SIR. It also summarizes key concerns and recommendations from the Community Surveillance Working Group's Impact Assessment and the Chief Technology Officer's response ("CTO's Response) to the Impact Assessment. Finally, the memo identifies policy issues for Council consideration.

Forward Looking Infrared Real-Time Video (FLIR Video)

SPD officers may currently request helicopter support from the KCSO Air Unit to track the movement of crime suspects and to gain situational awareness of disaster scenes.³ The FLIR Video technology installed on the helicopters provides heat signature-type images, which represent the exterior temperature of an object or person. [SPD Policy 16.060 - King County Sheriff's Office Air Support Unit](#) allows officers to directly request air support assistance when a helicopter is on-duty and operating; if the helicopter is "off-duty," a sergeant will screen a request from an officer and coordinate with Communications personnel. KCSO helicopters are available at SPD's request, if not otherwise engaged, at no charge to SPD.⁴

¹ (Ord. [125679](#), § 1, 2018; Ord. [125376](#), § 2, 2017.) Attachment 1 to this memo summarizes these requirements and process by which the Executive develops the required Surveillance Impact Reports (SIRs))

² FLIR Systems, an Oregon-based company, supplies the FLIR Video technology installed on KCSO helicopters. (It also supplies Acyclica technology used by the Seattle Department of Transportation to calculate vehicle travel times.) As reported by the [Seattle Times on March 7, 2021](#), FLIR Systems has a history of violations associated with international technology sales.

³ The KCSO Air Unit operates three helicopters as "Guardian One" and "Guardian Two," with the latter primarily supporting Search and Rescue

⁴ [SPD Policy 16.060](#)-POL (1)

When SPD obtains FLIR Video recordings for evidentiary or investigative purposes, the Department currently retains the recordings consistent with State requirements for retention of criminal justice data.⁵ The SPD Evidence Unit stores the video in its Digital Evidence Management System (DEMS). The system automatically logs attempts to access and view photographic evidence in DEMS and Evidence.com. SPD may share FLIR Video with outside entities in connection with criminal prosecutions and in response to public disclosure requests made through the Washington Public Records Act. The KCSO Air Support Unit also records audio and video of their operations and occasionally releases these recordings to the public, including video posted on their YouTube channel.

The SIR reports that, in 2018, Guardian One responded to 45 SPD events, and Guardian Two was not dispatched to any SPD calls for service. That year, Guardian One most commonly participated with SPD in the following types of events: robbery (eight events), followed by automotive theft and/or recovery (seven events), assault (six events), and burglary (six events). Other less-frequent event types included domestic violence; kidnapping/abduction; prowler; traffic violations; warrant services; weapons; and missing, found or runaway person; suspicious person/object; and theft. The CTO’s Response to the Working Group’s Impact Assessment provided a table showing Guardian One Dispatches by month and [precinct](#) in 2018, reproduced as Table 1, with added totals by month, year and precinct:

Table 1. SPD’s 2018 use of FLIR Video technology as deployed by KCSO helicopters

2018 Guardian One Dispatches for Seattle Police Department													
Precinct	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
East		1									1		2
North	2	3		2			1				2		10
South	3	3	2	4		1	4	1	2				20
South-west	1			1			1	1		1		3	8
West	1			1			1	1					4
Outside Seattle				1									1
Total	7	7	2	9	0	1	7	3	2	2	3	3	45

Source: FLIR Video SIR, CTO’s Response to Privacy and Civil Liberties Impact Assessment p. 37.

Note: Table as printed in the SIR did not include a column for the month of May, which had no deployments, or totals.

⁵ Washington State’s [law enforcement agency retention requirements](#) vary by type of record (e.g. case status and type of investigation)

Civil Liberties and Potential Disparate Impacts on Historically Marginalized Communities

Departments submitting a SIR identify potential civil liberties impacts and complete an adapted version of the Racial Equity Toolkit (RET) to highlight and mitigate impacts on racial equity from the use of the technology. The RET for the SPD's use of FLIR Video technology identifies the risk that private information may be obtained about third parties as a potential civil liberties impact. The RET notes that the FLIR Video does not capture "even the most generic of identifiable individual characteristics such as race, age, or gender."

The RET identifies the risk of disproportionate surveillance of vulnerable or historically targeted communities as a second potential civil liberties concern. The RET notes that [SPD Policy 5.140](#) forbids bias-based policing and provides for accountability measures and identifies alternative practices that would result in less disproportionate impact. The SIR also identifies data sharing, storage and retention as having the potential to contribute to structural racism, thereby creating a disparate impact on historically targeted communities.⁶ SPD mitigates this risk through policies regarding the dissemination of data in connection with criminal prosecutions, the [Washington Public Records Act](#), and other authorized researchers. No metrics were provided in the RET for use as part of the CTO's annual equity assessments.⁷

Public Engagement

The Executive accepted public comments on this technology from October 7 – November 7, 2020 and conducted one public meeting for this and the two other "Group 3" SIRs on October 28, 2020. The FLIR Video SIR includes all comments pertaining to this technology received from members of the public (Appendix C) and letters from organizations or commissions (Appendix D). Multiple comments about this technology expressed concern about use of this technology against protesters and disproportionate use in neighborhoods and against people of color. Other comments expressed concern about the use of this technology in conjunction with other surveillance technology, such as video recording; guidelines for use and sharing of data; invasion of privacy; and the use of military technology. Several responses noted no concerns. One response also detailed concerns about the duration and structure of the public engagement process for the Group 3 Technologies.

Privacy and Civil Liberties Impact Assessment

The Impact Assessment prepared by the Community Surveillance Working Group ("Working Group") identified five "key concerns" about the use of this technology, including inadequate policies defining the specific purposes for which SPD may request support from KCSO's air support unit; inadequate policies restricting data collection; the privacy of individuals unrelated to an investigation; how data are stored and protected; and the locations of the 45 deployments of "Guardian One" to support SPD in 2018. Tables 2 and 3 summarize the CTO's Response to the

⁶ Historical community or department practices could produce data that would portray certain communities as higher in crime than in other neighborhoods or elevate the involvement in potential criminal events by certain demographic groups. An approach to storage, retention, and integration of these data that was not cognizant of these possibilities might allow for the continuation of these perceptions, with potential disparate enforcement responses.

⁷ [SMC 14.18.050B](#) requires that the CTO produce and submit to the City Council a Surveillance Technology Community Equity Impact Assessment and Policy Guidance Report that addresses whether Chapter 14.18 of the SMC is effectively meeting the goals of the Race and Social Justice Initiative.

“key concerns” and describe whether and how the SIR as drafted would address the Working Group’s recommendations.

Key Concerns and the CTO’s Response. Table 2 summarizes the CTO’s Response to each of the Working Group’s “key concerns.” The CTO’s Response finds that the SIR addresses each concern, but it also provides KCSO helicopter deployment data from 2018 reproduced in Table 1 that was not provided in body of the SIR. The CTO’s Response notes that “while SPD cannot change the KCSO use policies, SPD has outlined their own policies about use of the images and video obtained from the Air Support Unit operation of the aircraft.”

Table 2. CTO Response to Privacy and Civil Liberties Impact Assessment of SPD’s use of FLIR Video technology as deployed by KCSO helicopters

Working Group Key Concern	CTO Response
1. Specific purposes for which SPD may request support from KCSO’s air support unit	While SPD cannot change the KCSO use policies, SPD has outlined their own policies about use of the images and video obtained from the Air Support Unit operation of the aircraft. The SIR responses are clear and provide adequate transparency and policy guidance about technology use.
2. Inadequate policies regarding data collection	SPD has adequate controls and policies in place to limit use and collection of data to appropriate emergency situations and access by authorized individuals.
3. If and how SPD protects the privacy of individuals unrelated to an investigation	SPD only retrieves video or evidence from KCSO helicopters that is related to an ongoing investigation. SPD Policies 7.010 and 7.090 govern documenting and storing collected evidence and photographic evidence.
4. How data are stored and protected	SPD has appropriate policy in place, follows appropriate data storage security measure, and has clearly stated data sharing partners and practices.
5. SIR does not provide dates and neighborhoods over which KCSO and FLIR Video technology has been deployed	SPD Policy 16.060 -KCSO Air Support Unit governs and outlines the use and approval process for officers to request air support at the discretion of the KCSO. ⁸

Recommendations. The Impact Assessment recommends that Council ensure that SPD adopt “clear and enforceable rules that ensure, at a minimum, the following:

1. The purpose and allowable uses of FLIR technology and KCSO’s helicopters must be clearly defined, and any SPD use of KCSO’s helicopters and FLIR technology and data collected with these technologies must be restricted to that specific purpose and those allowable uses.
2. SPD must be prohibited from using FLIR technology and KCSO’s helicopters to disproportionately surveil communities of color and other historically over-policed communities, and must adopt policies and processes to ensure it is not targeting such communities.

⁸ See Table 1 which reproduces the information provided in the CTO’s Response showing Guardian One dispatches in 2018.

3. SPD must be required to redact or delete information collected that may compromise the privacy of individuals not related to a specific investigation of [sic]search that is restricted by the purpose of use.
4. SPD must be required to produce a publicly available annual report detailing its use of FLIR technology and KCSO helicopters. This report must include at a minimum, details on how SPD used the data collected, the amount and types of data collected, for how long data were retained and in what form, where the data are stored, and the neighborhoods over which KCSO helicopters and/or FLIR technology were deployed.”

Table 3 describes how the SIR as drafted would address these four recommendations. Areas not fully addressed are included in the “Policy Considerations” section.

Table 3. Working Group Recommendations Addressed in the SIR

Working Group Recommendation	Whether/How Addressed in SIR
1. Define the purpose and allowable uses of FLIR technology and KCSO’s helicopters and restrict SPD’s use to that purposes and those allowable uses.	Executive Overview. Operational Policies represent the only allowable uses of the equipment and data collected by this technology. <i>See Policy Consideration #2.</i>
2. Prohibit use of FLIR technology and KCSO’s helicopters to disproportionately surveil communities of color and other historically over-policed communities and adopt policies and processes to ensure it is not targeting such communities.	RET 1.3 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.
3. Require SPD to redact or delete information that may compromise the privacy of individuals not related to a specific investigation.	7.3 SPD addresses risks of disclosure of personally identifiable information by activities such as redacting released video and information.
4. Require SPD to produce a publicly available annual report detailing its use of FLIR technology and KCSO helicopters. Include use of data, amounts and types of data; retention and storage of data; and locations where the technologies were deployed.	Seattle’s Office of Inspector General would be required to produce an annual surveillance technology usage review, which would include FLIR Video technology, in the event that Council approves CB 120053.

Policy Considerations

Central Staff has identified the following potential policy considerations.

1. Annual equity assessment metrics. SPD has not yet finalized metrics to be used in evaluating use of FLIR Video technology as part of the CTO's annual equity assessments. These assessments are intended to play a key role in determining whether the City's surveillance legislation is meeting the goals of the Race and Social Justice Initiative.

Options:

- A. Council may wish to request a report on the proposed metrics by a date certain.
 - B. Council may wish to defer approval of this SIR, pending completion of these metrics.
 - C. Take no action.
2. Circumstances when SPD may/must request assistance from KCSO's Air Support Unit. As noted by the Working Group, SPD's policies as cited in the SIR do not make explicit the specific purposes for which SPD may request support from KCSO's air support unit. Nor does the SIR identify any SPD policies or criteria defining the circumstances in which SPD officers may or must request assistance from KCSO's Air Support Unit. In the absence of such policies or criteria, it is unclear why the data in Table 1 provided in the CTO's Response shows a much higher incidence of 2018 Guardian One Dispatches in the South Precinct than the other four SPD precincts.

Options:

- A. Council may wish to request a report from SPD by a date certain as to the circumstances that warrant a request for FLIR assistance from KCSO's Air Support Unit.
- B. Council may wish to defer approval of this SIR, pending completion of SPD policies that establish specific policies or criteria that allow or require a request for FLIR assistance from KCSO's Air Support Unit.
- C. Take no action.

Committee Action

Options for Council action are as follows:

1. Pass CB 120053 as transmitted;
2. Request Central Staff to prepare amendments to the Council Bill to address additional concerns or issues; or
3. Take no action.

Attachment:

1. Background Summary and Surveillance Impact Report Process

cc: Dan Eder, Interim Director
Aly Pennucci, Budget and Policy Manager

Attachment 1 - Background Summary and Surveillance Impact Report Process

Recent Legislative History

[Ordinance 125376](#), passed by Council on July 31, 2017, required City of Seattle departments intending to acquire surveillance technology to obtain advance Council approval, by ordinance, of the acquisition and of a surveillance impact report (SIR).¹ Departments must also submit a SIR for surveillance technology in use when Ordinance 125376 was adopted (referred to in the ordinance as “retroactive technologies”). The Executive originally included 28 “retroactive technologies,” on its [November 30, 2017 Master List](#) but revised that list to 26 in [December 2019](#). The Council has approved two SIRs and twice extended the initial March 3, 2020 deadline for completion of SIRs for all 26 technologies: first by six months to accommodate extended deliberation of the first two SIRs; and then by a second six months due to COVID-related delays. Either the Chief Technology Officer or the Council may determine whether a specific technology is “surveillance technology” and thus subject to the requirements of SMC 14.18. Each SIR must describe protocols for a “use and data management policy” as follows:

- How and when the surveillance technology will be deployed or used and by whom, including specific rules of use
- How surveillance data will be securely stored
- How surveillance data will be retained and deleted
- How surveillance data will be accessed
- Whether a department intends to share access to the technology or data with any other entity
- How the department will ensure that personnel who operate the technology and/or access its data can ensure compliance with the use and data management policy
- Any community engagement events and plans
- How the potential impact of the surveillance on civil rights and liberties and potential disparate impacts on communities of color and other marginalized communities have been taken into account; and a mitigation plan
- The fiscal impact of the surveillance technology

Community Surveillance Working Group

On October 5, 2018, Council passed [Ordinance 125679](#), amending SMC 14.18, creating a “community surveillance working group” charged with creating a Privacy and Civil Liberties Impact Assessment for each SIR.² At least five of the seven members of the Working Group

¹ As codified in SMC 14.18.030, Ordinance 125376 identified a number of exemptions and exceptions to the required Council approval, including information voluntarily provided, body-worn cameras and cameras installed in or on a police vehicle, cameras that record traffic violations, security cameras and technology that monitors City employees at work.

² Ordinance 125679 also established a March 31, 2020 deadline for submitting SIRs on technologies already in use (referred to as “retroactive technologies”) when Ordinance 125376 was passed, with provision to request a six-month extension.

Attachment 1 - Background Summary and Surveillance Impact Report Process

must represent groups that have historically been subject to disproportionate surveillance, including Seattle’s diverse communities of color, immigrant communities, religious minorities, and groups concerned with privacy and protest.³ Each Privacy and Civil Liberties Impact Assessment must describe the potential impact of the surveillance technology on civil rights and liberties and potential disparate impacts on communities of color and other marginalized communities and will be included in the SIR. Prior to submittal of a SIR to Council, the Chief Technology Officer may provide a written statement that addresses privacy rights, civil liberty or other concerns in the Working Group’s impact assessment.

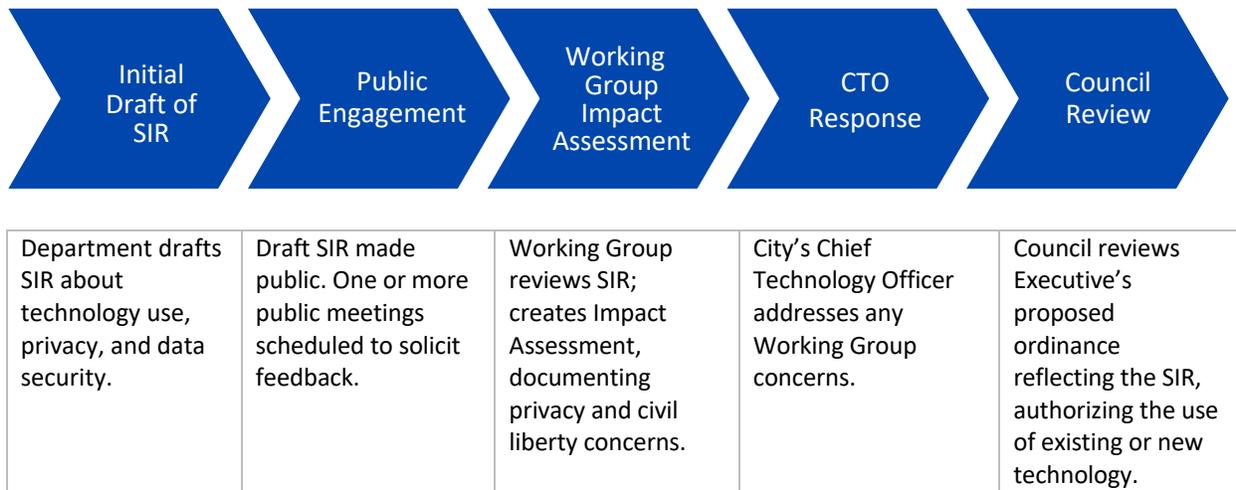
Executive Overviews

In May 2019, members of the Governance, Equity, and Technology Committee requested that IT staff prepare a summary section for each of the two lengthy SIR documents under review at that time. The Committee then accepted the resultant “Condensed Surveillance Impact Reports (CSIRs) together with the complete SIRs. The Executive has continued this practice with subsequent SIRs but has renamed the documents “Executive Overviews.” The Operational Policy Statements in the Executive Overview represent the only allowable uses of the subject technology.

SIR Process

Chart 1 is a visual of the SIR process from inception to Council Review:

Chart 1. Surveillance Impact Report (SIR) Process



³ The Mayor appoints four members and Council appoints three members.

Group 3 Surveillance Impact Reports (SIRs) CB 120053, CB 120054, & CB 120055

Transportation & Utilities Committee

May 5, 2021

Surveillance Impact Report (SIR) Overview

- 2017: [Ordinance 125376](#) took effect Sept 4th, revising the law to address the intended use of technologies with potential to impact civil liberties
- 2018: [Ordinance 125679](#) amended Ordinance 125376 and Chapter 14.18 of the Seattle Municipal Code and added external Community Surveillance Working Group
- 9/23/19: Group 1 SDOT SIR legislation passed ([Ordinance 125936](#))
- 1/20/21: Presented Overview of Surveillance Ordinance at the Transportation and Utilities Committee
- 1/26/21: Group 2 SIR legislation transmitted to City Clerk
- 2/22/21: Group 3 SIR legislation transmitted to City Clerk
- 3/03/21, 3/17/21, 4/07/21: Group 2 SIR briefing/discussion/vote at Transportation and Utilities Committee
- **3/22/21: Group 2 SCL & SFD SIR legislation passed ([Ordinance 126294](#) & [Ordinance 126295](#))**
- 4/12/21: Clerk filing of Group 4 SIR Extension Memo & Revised Master List of Surveillance Technologies
- **4/19/21: Group 2 SPD SIR legislation passed ([Ordinance 126311](#), [126312](#), [126313](#), [126314](#), [126315](#))**

28 total
technologies

Group	Depts.	28 Technologies		Council Bill	Status
Group 1 (2)	SDOT	<ul style="list-style-type: none"> License Plate Readers Closed Circuit Television Equipment "Traffic Cameras" 		CB 119519 CB 119519	Completed
Group 2 (9)	SCL SFD SPD	<ul style="list-style-type: none"> Binoculars/Spotting Scope Check Meter Device SensorLink Amp Fork Computer-Aided Dispatch 911 Logging Recorder Automated License Plate Reader Parking Enforcement Systems including Automated License Plate Reader Computer-Aided Dispatch CopLogic 		CB 120002 CB 120002 CB 120002 CB 120003 CB 120004 CB 120005 CB 120006 CB 120007 CB 120008	Completed
Group 3 (3)	SPD	<ul style="list-style-type: none"> Forward Looking Infrared Real-time video (FLIR) Situational Awareness Cameras Without Recording Video Recording Systems 		CB 120053 CB 120054 CB 120055	In Committee
Group 4A (7)	SFD SDOT SPD	<ul style="list-style-type: none"> Emergency Scene Cameras, Hazmat Camera Acyclica Audio Recording Systems, Callyo, I2 iBase, Maltego 			Est. August Est. August Est. December
Group 4B (7)	SPD	<ul style="list-style-type: none"> Camera systems; Tracking Devices; Remotely Operated Vehicles (ROVs); Hostage Negotiation Throw Phone; Crash Data Retrieval; GeoTime; Computer, cellphone and mobile device extraction tools 			Est. December

Group 3 SIR Public Engagement

- Group 3 Surveillance Technologies Public Meeting on 10/28/2020
- One Page Flyers
- Online Public Comment Meeting
 - Recorded and posted online

Engagement Method	(Approximate) Number of Individuals Participating	Number of Comments Received	Number of Questions Received
Public Meeting	15	-	15
Online Comments	38	38	-
Letters	1	1	-
Total	54	39	15

Group 3 SIR Technologies

Seattle Police Department

SEATTLE
CITY HALL

Seattle Police Department Mission

- Prevent crime;
- Enforce the law, and
- Support quality public safety by delivering respectful, professional and dependable police services.

Group 3 SIR Technologies

Group 3 Surveillance Impact Reports

- 1**

[CB 120053](#)
Forward Looking Infrared Real-time video (FLIR)

This technology provides a platform for aerial photography and digital video of large outdoor locations (e.g., crime scenes and disaster damage, etc.) through King County Sheriff's Air Support Unit helicopters.
- 2**

[CB 120054](#)
Situational Awareness Cameras Without Recording

Portable cameras that allow officers to observe around corners or other areas during operations where officers need to see the situation before entering an area of concern.
- 3**

[CB 120055](#)
Video Recording Systems at SPD Facilities

These systems record events that take place in a Blood Alcohol Collection (BAC) Room, precinct holding cells, interview, and lineup rooms.

Forward Looking Infrared Real-Time Video (FLIR)

What is the technology?

- Two King County Sheriff's Office helicopters with Forward Looking Infrared (FLIR) send a real-time video feed of ongoing events to commanders on the ground.
- This technology provides a platform for aerial photography and digital video of large outdoor locations (e.g., crime scenes and disaster damage, etc.).

Why do we use the technology?

- Rapid response to crime or disaster scenes.
- Provides a bird's eye view of events happening on the ground.
- FLIR technology allows for subjects to be detected even when obscured by haze or darkness.



FLIR – How It Works

- King County Sheriff's Air Support Unit is operated by the King County Sheriff's Office and is available to assist the Seattle Police Department at no charge through the Puget Sound Regional Aviation Project and the Seattle Urban Area Security Initiative (UASI).
- FLIR systems use heat emitted by subjects and objects to provide enhancement to images of active scenes.
- The FLIR systems cannot see into homes or other structures.



FLIR – Policies Governing Use

- King County Sheriff's Office Air Support Unit (SPD Policy 16.060)
- Evidence (SPD Policy 7.090)
- Access to criminal justice information and records (SPD policies 12.050 and 12.080)
- Use of department email and internet (SPD Policy 12.110)
- Use of cloud storage services (SPD policy 12.111)
- <http://www.seattle.gov/police-manual>

Situational Awareness Cameras Without Recording

What is the technology?

- Portable cameras that allow officers to observe around corners or other areas during tactical operations where officers need to see the situation before entering an area of concern. These may be lowered or thrown into position, attached to a hand-held pole and extended around a corner or into an area. The cameras contain wireless transmitters that send images to officers.

Why do we use the technology?

- SPD's tactical units use situational awareness cameras to assess potentially dangerous situations from a safe location.
- These cameras allows SPD to view surroundings and gain additional information prior to entering a location, providing additional safety and security to SPD personnel, the subjects of the observation, and other members of the community.



Situational Awareness Cameras Without Recording – How They Work

- Only members of SWAT are authorized to use this equipment and are specifically trained in their use.
- These cameras may be lowered or thrown into position, attached to a hand-held pole and extended around a corner or into an area. The cameras contain wireless transmitters that send images to nearby officers.
- No recordings are made using these cameras.



Situational Awareness Cameras Without Recording – Policies Governing Use

- Bias-Free Policing (SPD Policy 5.140)
- Standards and Duties (SPD Policy 5.001)
- Specialty Vehicles & Equipment (SPD policies 13.060)
- <http://www.seattle.gov/police-manual>

Video Recording Systems at SPD Facilities

What is the technology?

- SPD has two camera systems used to record and/or monitor members of the public within specific, secure locations in SPD facilities.
- These systems record events that take place in a Blood Alcohol Collection (BAC) Room, precinct holding cells, interview, and lineup rooms.

Why do we use the technology?

- Create visual record of activities in the interview rooms, BAC rooms, and precinct holding cells.
- Prevents disputes about how interviews are conducted or how suspects, victims, and witnesses are treated.
- Enhances SPD accountability in the community and enhances confidence in SPD practices.



Video Recording Systems at SPD Facilities – How It Works

- The **Genetec Video Management System** includes camera and microphone equipment that is permanently installed in the interview rooms on the 6th and 7th floors of SPD Headquarters.
- The **Milestone Video Management** Software and Products consist of cameras located in BAC rooms and precinct holding cells throughout SPD's facilities.
- Signage informs employees and members of the public that camera and recording devices are present.



Video Recording Systems at SPD Facilities – Recording Data Storage

Genetec (Interview Rooms)

- After an interview is conducted the recording of the interview is copied to a high-quality evidence grade DVD+R disc. This evidence-grade disc is then submitted into the SPD Evidence Section as a standard item of evidence. Standard evidence retention rules are then followed

Milestone (BAC Rooms and Precinct Holding Cells)

- The recordings are made by the Milestone system. A request by an authorized party (Homicide, OPA, OIG, etc.) for specific footage is made for criminal or internal investigations. The recordings are held for a minimum of 120 and a maximum of 217 days unless used as evidence in a particular case.

Video Recording Systems at SPD Facilities – Policies Governing Use

- Recorded Statements (SPD Policy 7.110)
- Evidence (SPD Policy 7.090)
- Use of department-owned devices/software (SPD Policy 12.040)
- Access to criminal justice information and records (SPD policies 12.050 and 12.080)
- Use of department email and internet (SPD Policy 12.110)
- Use of cloud storage services (SPD policy 12.111)
- <http://www.seattle.gov/police-manual>

Questions

Appendix

Surveillance Criteria

Definition: *Technology whose primary purpose is 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

- Consents to provide the data
- Opt-out notice
- Body-worn cameras
- Police vehicle cameras
- Cameras installed pursuant to state law...or to record traffic violations
- Security cameras
- City infrastructure protection cameras
- Technology that monitors only City employees

Inclusions

- Disparately impacts disadvantaged groups
- PII shared with non-City entities that will use the data for a purpose other than providing the City with a contractually agreed-upon service
- Collects data that is personally identifiable even if obscured, de-identified, or anonymized after collection
- Raises reasonable concerns about impacts to civil liberty, freedom of speech or association, racial equity, or social justice

Surveillance Impact Report (SIR) Process

- Submitted for all retroactive and newly proposed technologies that meet the definition and have no exclusion criteria
- Created by the Departments with project management from IT

1

Privacy Impact Assessment

2

Financial Information

3

Racial Equity Toolkit

4

Public Engagement Comments and Analysis

5

Privacy and Civil Liberties Impact Assessment

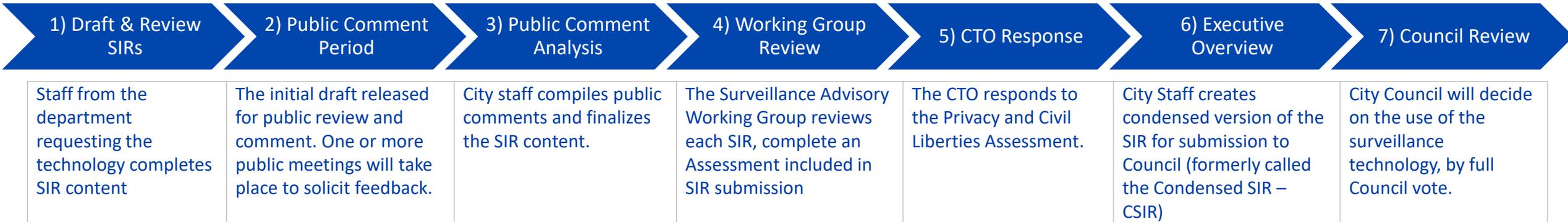
6

CTO Response

7

Appendices & Supporting Documentation

General SIR Creation Timeline





SEATTLE CITY COUNCIL
CENTRAL STAFF

Group 3 Surveillance Impact Reports

LISE KAYE, COUNCIL CENTRAL STAFF

TRANSPORTATION AND UTILITIES COMMITTEE | MAY 5, 2021

Proposed Council Bills – Today's Agenda

- **CB 120053: Forward Looking Infrared Real-Time Video**
(with King County Sheriff's Office helicopters)
- **CB 120054: Situational Awareness Cameras**
(without recording)
- **CB 120055: Video Recording Systems**

Elements to Consider

- Purpose and Use of Each Technology
- Civil Liberties and Potential Disparate Impacts on Historically Marginalized Communities - Racial Equity Toolkit
- Public Engagement
- Surveillance Working Group's Privacy and Civil Liberties Impact Assessment
- Chief Technology Officer's Response

Elements to Consider

- Policy Considerations
 - Surveillance Working Group's key concerns and recommendations
 - Incomplete information in a SIR
 - Legal and logistical parameters

CB 120053: Forward Looking Infrared Real-Time Video

- SPD may request helicopter support from the King County Sheriff's Office for:
 - Tracking movement of crime suspects
 - Situational awareness of disaster scenes

Forward Looking Infrared Real-Time Video

- Civil Liberties and Potential Disparate Impacts
 - Risk of acquisition of private information about third parties
 - Risk of disproportionate surveillance of vulnerable or historically targeted communities
 - Data sharing, storage and retention could contribute to structural racism
- Public comments: concern about use against protesters and people of color; disproportionate use in neighborhoods

Forward Looking Infrared Real-Time Video

- Impact Assessment issues:
 - Allowable uses
 - Data collection, storage and protection
 - Privacy of individuals unrelated to an investigation
 - Lack of historical deployment data
- CTO's Response: SIR generally addresses each concern; CTO provided 2018 KCSO helicopter deployment data from 2018

Forward Looking Infrared Real-Time Video

- Policy Considerations
 - Annual equity assessment metrics
 - Policies and/or criteria for requesting assistance from KCSO Air Support Unit

CB 120054: Situational Awareness Cameras

- Used by SWAT to covertly assess potentially dangerous situations from a safe location:
 - Robot mounted cameras
 - Pole cameras
 - Placeable cameras
 - Throwable cameras

Situational Awareness Cameras

- Civil Liberties and Potential Disparate Impacts
 - Potential surveillance of innocent members of the community
 - Data sharing, storage and retention could contribute to structural racism
- Public comments: need for transparent and fair use, lack of technical and procedural safeguards, the need to record all video and sound feeds for police accountability, and potentially poor resolution of images

Situational Awareness Cameras

- Impact Assessment issues:
 - Allowable uses
 - Capabilities beyond allowed use
 - Safeguards to protect improper viewing, collection, and storage of images
- CTO's Response: SFD's policy and training and limitations of the technology provide adequate mitigation for Working Group concerns

Situational Awareness Cameras

- Policy Considerations
 - Annual equity assessment metrics
 - Use and appropriate application
 - Acquisition of cameras with prohibited capabilities
 - Technical and procedural safeguards – downloading or streaming

CB 120055 – Video Recording Systems

- Genetec Video Management System
 - Audio and video recording of interactions with and interviews of crime victims, witnesses and suspects in interview rooms
 - Video-only monitoring of individuals in interview rooms when no SPD detective is present
- Milestone Systems
 - Continuous recording of activity in blood alcohol collection rooms and precinct holding cells

Video Recording Systems

- Civil Liberties and Potential Disparate Impacts
 - Personally identifiable and potentially sensitive personal information on video or audio recordings
 - Could over-surveil vulnerable or historically targeted communities
 - Data sharing, storage and retention could contribute to structural racism
- Public comments: need for transparent and fair use, system security , potential system add-ons, camera operations

Video Recording Systems

- Impact Assessment issues:
 - System capabilities
 - Data collection, storage and protection
 - Allowable uses

Video Recording Systems

- CTO's Response:
 - System capabilities: Outlined in the SIR. Facial recognition features are not in use by any system in SPD. As of July 2021, Chapter 43.386 RCW will regulate use of a facial recognition service
 - Data collection, storage and protection: outlined in the SIR
 - Allowable uses: Outlined in the SIR. Governed by SPD Policy 7.110 –Recorded Statements.

Video Recording Systems

- Policy Considerations
 - Annual equity assessment metrics

CB 120053 PROPOSED AMENDMENT 1

Amendment Name: SPD Forward Looking Infrared Real Time Video Equity Metrics

Sponsor: Councilmember Pedersen

Effects Statement: Requests the Seattle Police Department to report no later than the end of the 4th quarter of 2021 on the metrics provided to the Chief Technology Officer for use in annual equity assessments of the Forward Looking Infrared Real Time Video surveillance technology.

Proposed Amendment:

Insert a new Section after Section 1 of Council Bill 120053 as follows and renumber sections accordingly:

Section 1. Pursuant to Ordinances 125376 and 125679, the City Council approves use of the Seattle Police Department's use of Forward Looking Infrared Real-Time Video (FLIR) through the use of King County Sheriff's Office helicopters and accepts the 2020 Surveillance Impact Report (SIR) for this technology, attached to this ordinance as Attachment 1, and the 2020 Executive Overview for the same technology, attached to this ordinance as Attachment 2.

Section X. The Council requests the Seattle Police Department to report no later than the end of the fourth quarter of 2021 on the metrics provided to the Chief Technology Officer for use in the annual equity assessments of the Forward Looking Infrared Real Time Video technology.

CB 120053 PROPOSED AMENDMENT 2

Amendment Name: Forward Looking Infrared Real-Time Video Purpose and Use Policies

Sponsor: Councilmember Herbold

Effects Statement: Requests the Seattle Police Department to develop a policy or policies no later than the end of the 4th quarter of 2021 defining the purpose and only allowable uses of Forward Looking Infrared Real-Time Video and data collected thereby through SPD's use of King County Sheriff's Office helicopters, including the circumstances in which SPD may request use of this technology from KCSO's Air Support Unit.

Proposed Amendment:

Insert a new Section after Section 1 of Council Bill 120053 as follows and renumber sections accordingly:

Section 1. Pursuant to Ordinances 125376 and 125679, the City Council approves use of the Seattle Police Department's use of Forward Looking Infrared Real-Time Video (FLIR) through the use of King County Sheriff's Office helicopters and accepts the 2020 Surveillance Impact Report (SIR) for this technology, attached to this ordinance as Attachment 1, and the 2020 Executive Overview for the same technology, attached to this ordinance as Attachment 2.

Section X. The Council requests the Seattle Police Department to develop a policy or policies no later than the end of the 4th quarter of 2021 defining the purpose and only allowable uses of Forward Looking Infrared Real-Time Video and data collected thereby through the Seattle Police Department's use of King County Sheriff's Office helicopters, including the circumstances in which the Seattle Police Department may request use of this technology from the King County Sheriff's Office Air Support Unit.

CB 120053 PROPOSED AMENDMENT 3

Amendment Name: Forward Looking Infrared Real-Time Video Privacy Policies

Sponsor: Councilmember Herbold

Effects Statement: Requests the Seattle Police Department to develop a policy or policies no later than the end of the 4th quarter of 2021 requiring redaction or deletion of information collected from Forward Looking Infrared Real-Time Video (FLIR) through the use of King County Sheriff's Office helicopters that may compromise the privacy of individuals not related to a specific investigation.

Proposed Amendment:

Insert a new Section after Section 1 of Council Bill 120053 as follows and renumber sections accordingly:

Section 1. Pursuant to Ordinances 125376 and 125679, the City Council approves use of the Seattle Police Department's use of Forward Looking Infrared Real-Time Video (FLIR) through the use of King County Sheriff's Office helicopters and accepts the 2020 Surveillance Impact Report (SIR) for this technology, attached to this ordinance as Attachment 1, and the 2020 Executive Overview for the same technology, attached to this ordinance as Attachment 2.

Section X. The Council requests the Seattle Police Department to develop a policy or policies no later than the end of the 4th quarter of 2021 requiring redaction or deletion of information collected from Forward Looking Infrared Real-Time Video (FLIR) through the use of King County Sheriff's Office helicopters that may compromise the privacy of individuals not related to a specific investigation.

CB 120053 PROPOSED AMENDMENT 4

Amendment Name: Forward Looking Infrared Real-Time Video Community Surveillance Policies

Sponsor: Councilmember Herbold

Effects Statement: Requests the Seattle Police Department to develop a policy or policies no later than the end of the 4th quarter of 2021 prohibiting the use of Forward Looking Infrared Real-Time Video through SPD’s use of King County Sheriff’s Office helicopters to disproportionately surveil communities of color and other historically over-policed communities.

Proposed Amendment:

Insert a new Section after Section 1 of Council Bill 120053 as follows and renumber sections accordingly:

Section 1. Pursuant to Ordinances 125376 and 125679, the City Council approves use of the Seattle Police Department's use of Forward Looking Infrared Real-Time Video (FLIR) through the use of King County Sheriff's Office helicopters and accepts the 2020 Surveillance Impact Report (SIR) for this technology, attached to this ordinance as Attachment 1, and the 2020 Executive Overview for the same technology, attached to this ordinance as Attachment 2.

Section X. The Council requests the Seattle Police Department to develop a policy or policies no later than the end of the 4th quarter of 2021 prohibiting the use of Forward Looking Infrared Real-Time Video through the Seattle Police Department’s use of King County Sheriff’s Office helicopters to disproportionately surveil communities of color and other historically over-policed communities.

CB 120053 PROPOSED AMENDMENT 5

Amendment Name: Forward Looking Infrared Real-Time Video Annual Report

Sponsor: Councilmember Herbold

Effects Statement: Requests the Seattle Police Department to produce, starting September 1, 2022, a publicly available annual report detailing its use of Forward Looking Infrared Real-Time Video (FLIR) through the use of King County Sheriff's Office (KCSO) helicopters, including but not limited to how SPD used the data collected, the amount and types of data collected, retention and storage of the data, and the neighborhoods over which KCSO helicopters and/or FLIR technology were deployed.

Proposed Amendment:

Insert a new Section after Section 1 of Council Bill 120053 as follows and renumber sections accordingly:

Section 1. Pursuant to Ordinances 125376 and 125679, the City Council approves use of the Seattle Police Department's use of Forward Looking Infrared Real-Time Video (FLIR) through the use of King County Sheriff's Office helicopters and accepts the 2020 Surveillance Impact Report (SIR) for this technology, attached to this ordinance as Attachment 1, and the 2020 Executive Overview for the same technology, attached to this ordinance as Attachment 2.

Section X. The Council requests the Seattle Police Department to produce, starting September 1, 2022, a publicly available annual report detailing its use of Forward Looking Infrared Real-Time Video (FLIR) through the use of King County Sheriff's Office (KCSO) helicopters, including but not limited to how SPD used the data collected, the amount and types of data collected, retention and storage of the data, and the neighborhoods over which KCSO helicopters and/or FLIR technology were deployed.



Legislation Text

File #: CB 120054, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to surveillance technology implementation; authorizing approval of uses and accepting the 2020 surveillance impact report and 2020 executive overview for the Seattle Police Department's use of Situational Awareness Cameras Without Recording.

WHEREAS, Section 14.18.020 of the Seattle Municipal Code (SMC), enacted by Ordinance 125376, requires

City Council approval of a surveillance impact report (SIR) related to uses of surveillance technology, with existing/retroactive technology to be placed on a Master Technology List; and

WHEREAS, SMC 14.18.020 applies to the Situational Awareness Cameras Without Recording in use by the Seattle Police Department; and

WHEREAS, the Seattle Police Department conducted policy rule review and community review as part of the development of the SIR; and

WHEREAS, SMC 14.18.080, enacted by Ordinance 125679, provides for the Community Surveillance Working Group, composed of relevant stakeholders, to complete a privacy and civil liberties impact assessment for each SIR, and SMC 14.18.020 allows for a statement from the Chief Technology Officer in response to the Working Group's privacy and civil liberties impact assessment; and

WHEREAS, development of the SIR, review by the Working Group and the Chief Technology Officer's response has been completed; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Pursuant to Ordinances 125376 and 125679, the City Council approves use of the Seattle Police Department's Situational Awareness Cameras Without Recording and accepts the 2020 Surveillance

Impact Report (SIR) for this technology, attached to this ordinance as Attachment 1, and the 2020 Executive Overview for the same technology, attached to this ordinance as Attachment 2.

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

Passed by the City Council the _____ day of _____, 2021, and signed by me in open session in authentication of its passage this _____ day of _____, 2021.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2021.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2021.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachment 1 - 2020 Surveillance Impact Report: Situational Awareness Cameras without Recording

Attachment 2 - 2020 Surveillance Impact Report Executive Overview: Situational Awareness Cameras without Recording



2020 Surveillance Impact Report

Situational Awareness Cameras Without Recording

Seattle Police Department

April 13th, 2021

Version 1

Surveillance Impact Report (“SIR”) Overview	3
Privacy Impact Assessment	4
Financial Information	11
Expertise and References	12
Racial Equity Toolkit (“RET”) and Engagement for Public Comment Worksheet	14
Privacy and Civil Liberties Assessment	20
CTO Response	22
Appendix A: Glossary	26
Appendix B: Meeting Notice(s)	28
Appendix C: All Comments Received from Members of the Public	29
Appendix D: Letters from Organizations or Commissions	39
Appendix E: CTO Notification of Surveillance Technology	48

Surveillance Impact Report (“SIR”) Overview

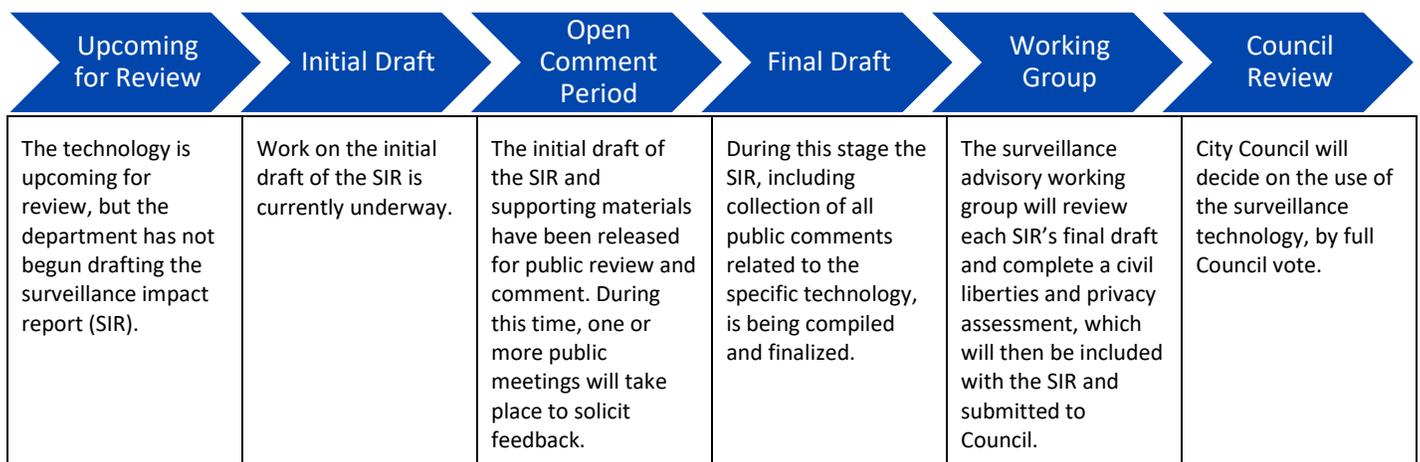
About the Surveillance Ordinance

The Seattle City Council passed ordinance [125376](#), also referred to as the “Surveillance Ordinance”, on September 1, 2017. This ordinance has implications for the acquisition of new technologies by the City, and technologies that are already in use that may fall under the new, broader definition of surveillance.

SMC 14.18.020.B.1 charges the City’s executive with developing a process to identify surveillance technologies subject to the ordinance. Seattle IT, on behalf of the executive, developed and implemented a process through which a privacy and surveillance review is completed prior to the acquisition of new technologies. This requirement, and the criteria used in the review process, are documented in Seattle IT Policy PR-02, the “Surveillance Policy”.

Surveillance Ordinance Review Process

The following is a high-level outline of the complete SIR review process.



Privacy Impact Assessment

Purpose

A Privacy Impact Assessment (“PIA”) is a method for collecting and documenting detailed information collected in order to conduct an in-depth privacy review of a program or project. A PIA asks questions about the collection, use, sharing, security and access controls for data that is gathered using a technology or program. It also requests information about policies, training and documentation that govern use of the technology. The PIA responses are used to determine privacy risks associated with a project and mitigations that may reduce some or all of those risks. In the interests of transparency about data collection and management, the City of Seattle has committed to publishing all PIAs on an outward facing website for public access.

When is a Privacy Impact Assessment Required?

A PIA may be required in two circumstances.

- 1) When a project, technology, or other review has been flagged as having a high privacy risk.
- 2) When a technology is required to complete the surveillance impact report process. This is one deliverable that comprises the report.

1.0 Abstract

1.1 Please provide a brief description (one paragraph) of the purpose and proposed use of the project/technology.

The Seattle Police Department utilizes four types of situational awareness cameras to monitor an identified subject or watch an area of concern while positioned from a safe distance away. SPD operates these cameras in a variety of different ways to serve specific purposes depending on the situational need. The cameras fall broadly into four categories:

- mounted on remote controlled robots,
- mounted to poles or extenders,
- strategically placed, and
- cameras that are thrown.

The images transmitted from these cameras are secured and viewed on proprietary monitors. SPD does not record, store, or retain any of the images captured by these camera technologies.

1.2 Explain the reason the project/technology is being created or updated and why the PIA is required.

This technology is specifically used to covertly observe subjects, in real time, from a safe position. If used out of policy or improperly, this technology could potentially be used to inappropriately infringe on public privacy.

2.0 Project / Technology Overview

Provide an overview of the project or technology. The overview gives the context and background necessary to understand the purpose, mission and justification for the project / technology proposed

2.1 Describe the benefits of the project/technology.

SPD's tactical units use situational awareness cameras to assess potentially dangerous situations from a safe location. The use of these cameras allows SPD to view surroundings and gain additional information prior to entering a location, which provides additional safety and security to SPD personnel, the subjects of the observation, and other members of the community.

2.2 Provide any data or research demonstrating anticipated benefits.

The National Institute of Justice asserts that situational awareness in a potentially threatening situation is an essential key variable in determining when the use of force is necessary¹. Situational awareness may also be to as "tactical awareness;" safety for both the officer and the subject is increased when the responding officers have visual information about the event and its surroundings.

2.3 Describe the technology involved.

There are 4 types of situational awareness cameras used by SPD's SWAT Unit:

Robot Mounted Cameras – The Avatar Robot by RoboteX incorporates a 360-degree optical camera and is remote controlled by officers from a safe position on scene. The remote range of the Avatar Robot is approximately 200 meters.

Pole Cameras – Pole camera models are made by Tactical Electronics and Smith and Wesson. These are small, portable cameras that can be extended in height (to approximately 20'). They are typically handheld during their use and send secure images to the user's handheld remote monitor.

Placeable Cameras – Camera models are made by Remington and Tactical Electronics. They are small portable cameras designed to be placed in specific strategic locations and situations. These models also send secure images to the user's handheld remote monitor.

Throwable Cameras – Camera models are made by Remington and Tactical Electronics. These small, rugged cameras are designed to be thrown into situations where access by SPD personnel is not possible. Like the pole and placeable cameras, the secure images are transmitted to the user's handheld remote monitor.

None of the images transmitted by these cameras are stored or recorded by the camera equipment or the handheld monitor.

2.4 Describe how the project or use of technology relates to the department's mission.

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. SPD's SWAT unit utilizes this technology to assess potentially dangerous situations and obtain as much information about the situation as possible. By doing so, SPD personnel and the subjects involved are safer.

2.5 Who will be involved with the deployment and use of the project / technology?

Only members of the SPD SWAT Unit are authorized to use this equipment.

3.0 Use Governance

Provide an outline of any rules that will govern the use of the project / technology. Please note: non-City entities contracting with the City are bound by restrictions specified in the surveillance ordinance and privacy principles and must provide written procedures for how the entity will comply with any restrictions identified.

3.1 Describe the processes that are required prior to each use, or access to/ of the project / technology, such as a notification, or check-in, check-out of equipment.

All members of SWAT are given training in the use and appropriate application of these cameras. Any SWAT personnel may elect to use one of the cameras if the situation calls for its use.

3.2 List the legal standards or conditions, if any, that must be met before the project / technology is used.

There is no legal standard or condition for the use of these cameras in non-protected public areas, such as a hotel hallway. However, if SPD plans to use the camera inside a protected area, such as in a person's home or property, SPD will obtain a signed search warrant from a judge, absent exigent circumstances.

3.3 Describe the policies and training required of all personnel operating the project / technology, and who has access to ensure compliance with use and management policies.

Only members of SWAT are authorized to use this equipment and are specifically trained in their use. The SWAT commanders are responsible to ensure usage of the technology falls within appropriate usage.

¹ <https://www.nij.gov/topics/law-enforcement/officer-safety/use-of-force/pages/welcome.aspx>

4.0 Data Collection and Use

Provide information about the policies and practices around the collection and use of the data collected.

4.1 Provide details about what information is being collected from sources other than an individual, including other IT systems, systems of record, commercial data aggregators, publicly available data and/or other City departments.

No images or data are collected, stored, or retained by any situational awareness camera used by SPD.

4.2 What measures are in place to minimize inadvertent or improper collection of data?

Risk of inadvertent or improper collection is low, as no images or data are collected, stored, or retained by any situational awareness camera used by SPD.

4.3 How and when will the project / technology be deployed or used? By whom? Who will determine when the project / technology is deployed and used?

This technology is used only by the SPD SWAT Unit to assess potentially dangerous situations.

4.4 How often will the technology be in operation?

The different types of cameras are used with varying frequency depending on the circumstances. Pole-mounted cameras are used frequently to assess situations around corners and above or below officer positions.

4.5 What is the permanence of the installation? Is it installed permanently, or temporarily?

These cameras are portable and do not remain in fixed locations.

4.6 Is a physical object collecting data or images visible to the public? What are the markings to indicate that it is in use? What signage is used to determine department ownership and contact information?

These cameras are covert by design. They are used to assess potentially dangerous situations from a safe distance.

4.7 How will data that is collected be accessed and by whom?

No images or data are collected, stored, or retained by any situational awareness camera used by SPD.

4.8 If operated or used by another entity on behalf of the City, provide details about access, and applicable protocols.

This technology is used only by the SPD SWAT Unit and no images or data are collected, stored, or retained by any situational awareness camera used by SPD.

4.9 What are acceptable reasons for access to the equipment and/or data collected?

These cameras are covert by design. They are used to assess potentially dangerous situations from a safe distance. No images or data are collected, stored, or retained by any situational awareness camera used by SPD.

The decision to use situational awareness cameras is made on a case-by-case basis. These devices allow officers to monitor a subject or watch situation from a position of safety and distance. Absent exigent circumstances, a signed warrant is obtained prior to the use of this technology in any protected area.

4.10 What safeguards are in place, for protecting data from unauthorized access (encryption, access control mechanisms, etc.) And to provide an audit trail (viewer logging, modification logging, etc.)?

This equipment is securely stored and accessible only to the SWAT Unit for use in their operations. No images or data are collected, stored, or retained by any situational awareness camera used by SPD.

5.0 Data Storage, Retention and Deletion

5.1 How will data be securely stored?

The following questions on data storage are not applicable to these technologies, as no images or data are collected, stored, or retained by any situational awareness camera used by SPD.

5.2 How will the owner allow for departmental and other entities, to audit for compliance with legal deletion requirements?

n/a

5.3 What measures will be used to destroy improperly collected data?

n/a

5.4 which specific departmental unit or individual is responsible for ensuring compliance with data retention requirements?

n/a

6.0 Data Sharing and Accuracy

6.1 Which entity or entities inside and external to the City will be data sharing partners?

The following questions on data sharing are not applicable to these technologies, as no images or data are collected, stored, or retained by any situational awareness camera used by SPD.

6.2 Why is data sharing necessary?

n/a

6.3 Are there any restrictions on non-City data use?

Yes No

6.3.1 if you answered yes, provide a copy of the department's procedures and policies for ensuring compliance with these restrictions.

This technology is used only by the SPD SWAT Unit and no images or data are collected, stored, or retained by any situational awareness camera used by SPD.

6.4 how does the project/technology review and approve information sharing agreements, memorandums of understanding, new uses of the information, new access to the system by organizations within City of Seattle and outside agencies?

n/a

6.5 explain how the project/technology checks the accuracy of the information collected. If accuracy is not checked, please explain why.

n/a

6.6 describe any procedures that allow individuals to access their information and correct inaccurate or erroneous information.

n/a

7.0 Legal Obligations, Risks and Compliance

7.1 What specific legal authorities and/or agreements permit and define the collection of information by the project/technology?

No images or data are collected, stored, or retained by any situational awareness camera used by SPD. When situational awareness camera equipment will be utilized in protected areas, such as inside a home, the SWAT Unit obtains a signed warrant.

7.2 Describe what privacy training is provided to users either generally or specifically relevant to the project/technology.

The SWAT Unit is trained on the appropriate usage of situational awareness cameras.

7.3 Given the specific data elements collected, describe the privacy risks identified and for each risk, explain how it was mitigated. Specific risks may be inherent in the sources or methods of collection, or the quality or quantity of information included.

Because the SWAT Unit requires a signed warrant before utilizing this technology in protected areas, they have mitigated the risk of improper viewing of the protected areas.

7.4 Is there any aspect of the project/technology that might cause concern by giving the appearance to the public of privacy intrusion or misuse of personal information?

The nature of this type of technology may cause concern by giving the appearance of privacy intrusion or misuse. These cameras are specifically designed to be covert and they allow officers to view viewing into sensitive areas. While these cameras have the capability to observe the public, they are not utilized by SPD in this manner. No information, images, or audio are recorded by any of these situational awareness cameras.

8.0 Monitoring and Enforcement

8.1 describe how the project/technology maintains a record of any disclosures outside of the department.

No images or data are collected, stored, or retained by any situational awareness camera used by SPD. When situational awareness camera equipment will be utilized in protected areas, such as inside a home, the SWAT Unit obtains a signed warrant.

8.2 what auditing measures are in place to safeguard the information, and policies that pertain to them, as well as who has access to the audit data? Explain whether the project/technology conducts self-audits, third party audits or reviews.

No images or data are collected, stored, or retained by any situational awareness camera used by SPD. When situational awareness camera equipment will be utilized in protected areas, such as inside a home, the SWAT Unit obtains a signed warrant.

Financial Information

Purpose

This section provides a description of the fiscal impact of the surveillance technology, as required by the surveillance ordinance.

1.0 Fiscal Impact

Provide a description of the fiscal impact of the project/technology by answering the questions below.

1.1 Current or potential sources of funding: initial acquisition costs.

Current potential

Date of initial acquisition	Date of go live	Direct initial acquisition cost	Professional services for acquisition	Other acquisition costs	Initial acquisition funding source
	6/30/2016	\$67,704.86		Pole Camera w/Wrist Mounted Monitor	UASI Grant Funded
02/04/2013		\$5,000		Avatar 1 Base package, Pre-owned	Org Charged: P1941

Notes:

Respond here.

1.2 Current or potential sources of funding: on-going operating costs, including maintenance, licensing, personnel, legal/compliance use auditing, data retention and security costs.

Current potential

Annual maintenance and licensing	Legal/compliance, audit, data retention and other security costs	Department overhead	IT overhead	Annual funding source
10/07/2019 Order of replacement placeable cameras and telescoping poles for use with cameras.				SPD Budget: \$42,256.40
3/19/2020 Replacement: One replacement Pole Camera Purchased w/ Wrist mounted monitor.				This is a 100% grant funded purchase using SHSP FY18 fund: \$37,051.99

Notes:

1.3 Cost savings potential through use of the technology

Respond to question 1.3 here

1.4 Current or potential sources of funding including subsidies or free products offered by vendors or governmental entities

N/A

Expertise and References

Purpose

The following information is provided to ensure that Council has a group of experts to reference while reviewing the completed surveillance impact report (“SIR”). Any individuals or agencies referenced must be made aware ahead of publication that their information has been included. All materials must be available for Council to access or review, without requiring additional purchase or contract.

1.0 Other Government References

1.1 Please list any other government bodies that have implemented this technology and can speak to the implementation of this technology.

Agency, municipality, etc.	Primary contact	Description of current use

2.0 Academics, Consultants, and Other Experts

2.1 Please list any experts in the technology under consideration, or in the technical completion of the service or function the technology is responsible for.

Agency, municipality, etc.	Primary contact	Description of current use

3.0 White Papers or Other Documents

3.1 Please list any authoritative publication, report or guide that is relevant to the use of this technology or this type of technology.

Title	Publication	Link
“Video for SWAT Operations”	Law and Order, The Magazine for Police Management	Article Detail Hendon Media Group (hendonpub.com)

Racial Equity Toolkit (“RET”) and Engagement for Public Comment Worksheet

Purpose

Departments submitting a SIR are required to complete an adapted version of the Racial Equity Toolkit (“RET”) in order to:

- Provide a framework for the mindful completion of the SIR in a way that is sensitive to the historic exclusion of vulnerable and historically underrepresented communities. Particularly, to inform the public engagement efforts departments will complete as part of the surveillance impact report.
- Highlight and mitigate any impacts on racial equity from the adoption and the use of the technology.
- Highlight and mitigate any disparate impacts on individuals or vulnerable communities.
- Fulfill the public engagement requirements of the surveillance impact report.

Adaption of the RET for Surveillance Impact Reports

The RET was adapted for the specific use by the Seattle Information Technology Departments’ (“Seattle IT”) privacy team, the Office of Civil Rights (“OCR”), and change team members from Seattle IT, Seattle City Light, Seattle Fire Department, Seattle Police Department, and Seattle Department of Transportation.

Racial Equity Toolkit Overview

The vision of the Seattle Race and Social Justice Initiative is to eliminate racial inequity in the community. To do this requires ending individual racism, institutional racism and structural racism. The racial equity toolkit lays out a process and a set of questions to guide the development, implementation and evaluation of policies, initiatives, programs, and budget issues to address the impacts on racial equity.

1.0 Set Outcomes

1.1. Seattle City Council has defined the following inclusion criteria in the surveillance ordinance, and they serve as important touchstones for the risks departments are being asked to resolve and/or mitigate. Which of the following inclusion criteria apply to this technology?

- The technology disparately impacts disadvantaged groups.
- There is a high likelihood that personally identifiable information will be shared with non-City entities that will use the data for a purpose other than providing the City with a contractually agreed-upon service.
- The technology collects data that is personally identifiable even if obscured, de-identified, or anonymized after collection.

The technology raises reasonable concerns about impacts to civil liberty, freedom of speech or association, racial equity, or social justice.

1.2 What are the potential impacts on civil liberties through the implementation of this technology? How is the department mitigating these risks?

The potential that innocent members of the community would fall under surveillance by covert use of situational awareness cameras by the SPD SWAT Unit is mitigated in two ways. First, the usage of this equipment is situational, and the cameras are used during events in which the SWAT Unit responds to calls for police service. Where the cameras are utilized in non-public areas a signed warrant is obtained prior to their use. Second, no images, data, or audio is recorded by the situational awareness cameras.

1.3 What are the risks for racial or ethnicity-based bias through each use or deployment of this technology? How is the department mitigating these risks?

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. [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. The use of this technology does not enhance the risks of racial or ethnicity-based bias.

1.4 Where in the City is the technology used or deployed?

all Seattle neighborhoods

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> Ballard | <input type="checkbox"/> Southeast |
| <input type="checkbox"/> North | <input type="checkbox"/> Delridge |
| <input type="checkbox"/> Northeast | <input type="checkbox"/> Greater Duwamish |
| <input type="checkbox"/> Central | <input type="checkbox"/> East district |
| <input type="checkbox"/> Lake union | <input type="checkbox"/> King county (outside Seattle) |
| <input type="checkbox"/> Southwest | <input type="checkbox"/> Outside King County. |

If possible, please include any maps or visualizations of historical deployments / use.

N/A

1.4.1 What are the racial demographics of those living in this area or impacted by these issues?

City of Seattle demographics: White - 69.5%; Black or African American - 7.9%; Amer. Indian & Alaska Native - 0.8%; Asian - 13.8%; Native Hawaiian & Pacific Islander - 0.4%; Other race - 2.4%; Two or more races - 5.1%; Hispanic or Latino ethnicity (of any race): 6.6%; Persons of color: 33.7%.

King County demographics: White – 70.1%; Black or African American – 6.7%; American Indian & Alaskan Native – 1.1%; Asian, Native Hawaiian, Pacific Islander – 17.2%; Hispanic or Latino (of any race) – 9.4%

1.4.2 How are decisions made where the technology is used or deployed? How does the Department work to ensure diverse neighborhoods are not specifically targeted?

The decision to use situational awareness cameras is made on a case-by-case basis. These devices allow officers to monitor a subject or watch situation from a position of safety and distance. Absent exigent circumstances, a signed warrant is obtained prior to the use of this technology in any protected area.

1.5 How do decisions around data sharing have the potential for disparate impact on historically targeted communities? What is the department doing to mitigate those risks?

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.

The situational awareness cameras utilized by the SPD SWAT Unit do not record any information and therefore no information from this technology is stores or shared.

1.6 How do decisions around data storage and retention have the potential for disparate impact on historically targeted communities? What is the department doing to mitigate those risks?

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.

1.7 What are potential unintended consequences (both negative and positive potential impact)? What proactive steps can you can / have you taken to ensure these consequences do not occur.

The unintended consequences related to the continued utilization of situational awareness cameras by SPD is the out of policy misuse of the technology to improperly surveil the public. SPD policies, including [SPD Policy 6.060 - Collection of Information for Law Enforcement Purposes](#) also define the way information will be gathered by SPD 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 Public Outreach

2.1 Scheduled public meeting(s).

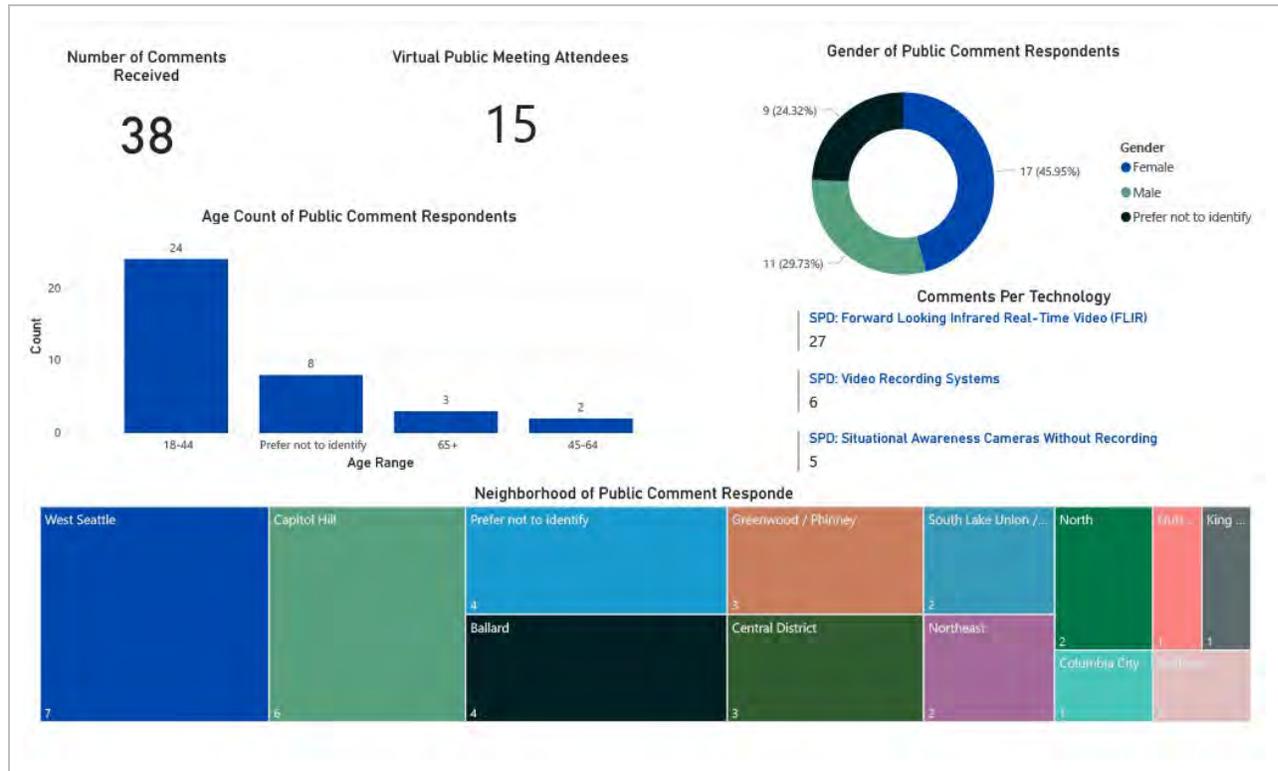
Meeting notes, sign-in sheets, all comments received, and questions from the public will be included in Appendix A-C. Comment analysis will be summarized in section 3.0 Public Comment Analysis.

Meeting 1

Location	Webex Online Event
Date	October 28 th , 2020
Time	12 pm – 1 pm

3.0 Public Comment Analysis

3.1 Demographics of the public who submitted comments.



3.2 What concerns, if any, do you have about the use of this technology?

micro SD card ^{SIR} seems ^{robot} supports recording likely
 SPD audio video cameras SPD manual specifically use
 ordinance recording ^{pdf} public ^{Avatar} Tactical Electronics Core

3.3 What value, if any, do you see in the use of this technology?

N/A

3.4 What do you want City leadership to consider about the use of this technology?

public followed VMS ^{Milestone} security use SPD ^{hacked}
 Genetec security best practices recordings information

3.5 Do you have any other comments?

N/A

4.0 Response to Public Comments

4.1 How will you address the concerns that have been identified by the public?

The OIG has audit responsibilities for determining legality of the system and deployment. SPD follows case law and city ordinance and requires a legal foundation to deploy the cameras.

5.0 Equity Annual Reporting

5.1 What metrics for this technology be reported to the CTO for the annual equity assessments? Departments will be responsible for sharing their own evaluations with department leadership, change team leads, and community leaders identified in the public outreach plan.

Respond here.

Privacy and Civil Liberties Assessment

Purpose

This section shall be completed after public engagement has concluded and the department has completed the racial equity toolkit section above. The privacy and civil liberties assessment is completed by the community surveillance working group (“working group”), per the surveillance ordinance which states that the working group shall:

“Provide to the executive and the City Council a privacy and civil liberties impact assessment for each SIR that must be included with any departmental request for surveillance technology acquisition or in-use approval. The impact assessment shall include a description of the potential impact of the surveillance technology on civil rights and liberties and potential disparate impacts on communities of color and other marginalized communities. The CTO shall share with the working group a copy of the SIR that shall also be posted during the period of public engagement. At the conclusion of the public engagement period, the CTO shall share the final proposed SIR with the working group at least six weeks prior to submittal of the SIR to Council for approval. The working group shall provide its impact assessment in writing to the executive and the City Council for inclusion in the SIR within six weeks of receiving the final proposed SIR. If the working group does not provide the impact assessment before such time, the working group must ask for a two-week extension of time to City Council in writing. If the working group fails to submit an impact statement within eight weeks of receiving the SIR, the department and City Council may proceed with ordinance approval without the impact statement.”

Working Group Privacy and Civil Liberties Assessment

From: Seattle Community Surveillance Working Group (CSWG)

To: Seattle City Council

Date: Dec 15, 2020

Re: Privacy and Civil Liberties Impact Assessment for Video Recording Systems

Executive Summary

The CSWG has completed its review of the Surveillance Impact Reports (SIRs) for the three surveillance technologies included in Group 3 of the Seattle Surveillance Ordinance technology review process. These technologies are Forward Looking Infrared, Video Recording Systems, and Situational Awareness Cameras Without Recording. This document is the CSWG’s Privacy and Civil Liberties Impact Assessment for Situational Awareness Cameras Without Recording as set forth in SMC 14.18.080(B)(1), which we provide for inclusion in the final SIRs submitted to the City Councils.

This document first provides our recommendations to Council, then provides background information, key concerns, and outstanding questions regarding Situational Awareness Cameras Without Recording.

Our assessment of Situational Awareness Cameras as used by Seattle Police Department (SPD) focuses on three major issues:

1. Additional policy language is necessary to define valid purposes of use.
2. The capabilities of the situational awareness cameras are unclear.
3. It is unclear what technical and procedural safeguards are in place to prevent the improper viewing, collection, and storage of images.

Recommendations:

We recommend that the Council adopt, via ordinance, at a minimum, clear and enforceable rules that ensure the following:

1. **SPD must abide by a specific and restricted purpose of use:** The ordinance should define a specific purpose of use for situational awareness cameras used by SPD, and any use must be restricted to that specific purpose.
2. **SPD must not use any situational awareness cameras that have capabilities beyond what is strictly necessary to fulfill the purpose of use defined by the ordinance.** The ordinance should prohibit SPD from using cameras that have facial recognition or recording capabilities.
3. **SPD must adopt technical and procedural safeguards to prevent misuse of the situational awareness cameras.** The ordinance should require SPD adopt safeguards that prevent use of the cameras or the footage streamed from the cameras for purposes beyond what is defined in the ordinance.

Outstanding Questions

1. What are the complete model names/numbers for each of the equipment in scope for the Situational Awareness Cameras?
2. What technical safeguards are in place to prevent the storage/retention of images?
3. 7.3 of Situational Awareness Cameras SIR states “[the SWAT Unit] have mitigated the risk of improper viewing of the protected areas.” How specifically have they mitigated the risk?
4. What (if any) sections of the SPD Manual specifically cover the use of these technologies by SWAT?

CTO Response

Memo

To: Seattle City Council
From: Saad Bashir, Chief Technology Officer
Subject: CTO Response to the Surveillance Working Group Situational Awareness Cameras Without Recording SIR Review

Purpose

As provided in the Surveillance Ordinance, [SMC 14.18.080](#), this memo outlines the Chief Technology Officer's (CTO's) response to the Surveillance Working Group assessment on the Surveillance Impact Report for Seattle Police Department's Situational Awareness Cameras Without Recording.

Background

The Information Technology Department (ITD) is dedicated to the Privacy Principles and Surveillance Ordinance objectives to provide oversight and transparency about the use and acquisition of specialized technologies with potential privacy and civil liberties impacts. All City departments have a shared mission to protect lives and property while balancing technology use and data collection with negative impacts to individuals. This requires ensuring the appropriate use of privacy invasive technologies through technology limitations, policy, training and departmental oversight.

The CTO's role in the SIR process has been to ensure that all City departments are compliant with the Surveillance Ordinance requirements. As part of the review work for surveillance technologies, ITD's Privacy Office has facilitated the creation of the Surveillance Impact Report documentation, including collecting comments and suggestions from the Working Group and members of the public about these technologies. IT and City departments have also worked collaboratively with the Working Group to answer additional questions that came up during their review process. We believe that policy, training and technology limitations enacted by SPD and Council oversight through the surveillance technology review process provide adequate mitigation for the potential privacy and civil liberties concerns raised by the Working Group about the use of this important operational technology.

Technology Purpose

The Seattle Police Department utilizes four types of situational awareness cameras to monitor an identified subject or watch an area of concern while positioned from a safe distance away. SPD operates these cameras in a variety of different ways to serve specific purposes depending on the situational need. The cameras fall broadly into four categories:

- mounted on remote controlled robots,
- mounted to poles or extenders,
- strategically placed, and
- cameras that are thrown.

The images transmitted from these cameras are secured and viewed on proprietary monitors. SPD does not record, store, or retain any of the images captured by these camera technologies.

Working Group Concerns

In their review, the Working Group has raised concerns about these devices being used in a privacy impacting way. They focused on wanting additional information confirming specified purpose of use, documenting capabilities of the cameras, and outlining and increasing technical or procedural safeguards around the use or collection of data. We believe that policy, training and technology limitations enacted by SPD provide adequate mitigation for the potential privacy and civil liberties concerns raised by the Working Group about the use of this important operational technology.

Recommended Next Steps

I look forward to working together with Council and City departments to ensure continued transparency about the use of these technologies and finding a mutually agreeable means to use technology to improve City services while protecting the privacy and civil rights of the residents we serve. Specific concerns in the Working Group comments about cameras are addressed in the attached document.

Response to Specific Concerns: Situational Awareness Cameras Without Recording

Concern: Inadequate policies defining specific and restricted purpose of use

CTO Assessment: In addition to the policy and procedure outlined in the SIR and process established by SMC 14.18, the use of situational cameras and the restrictions on recording is also governed by the [Intelligence Ordinance, SMC 14.12](#). The requirements of the Intelligence Ordinance is also incorporated to the relevant [SPD Policy in Manual Section 6.060](#).

SIR Response:

Section 2.4 Describe how the project or use of technology relates to the department's mission.

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. SPD's SWAT unit utilizes this technology to assess potentially dangerous situations and obtain as much information about the situation as possible. By doing so, SPD personnel and the subjects involved are safer.

Section 3.1 Describe the processes that are required prior to each use, or access to/ of the project / technology, such as a notification, or check-in, check-out of equipment.

All members of SWAT are given training in the use and appropriate application of these cameras. Any SWAT personnel may elect to use one of the cameras if the situation calls for its use.

Section 3.2 List the legal standards or conditions, if any, that must be met before the project / technology is used.

There is no legal standard or condition for the use of these cameras in non-protected public areas, such as a hotel hallway. However, if SPD plans to use the camera inside a protected area, such as in a person's home or property, SPD will obtain a signed search warrant from a judge, absent exigent circumstances.

Section 4.3 How and when will the project / technology be deployed or used? By whom? Who will determine when the project / technology is deployed and used?

This technology is used only by the SPD SWAT Unit to assess potentially dangerous situations.

Section 4.9 What are acceptable reasons for access to the equipment and/or data collected?

These cameras are covert by design. They are used to assess potentially dangerous situations from a safe distance. No images or data are collected, stored, or retained by any situational awareness camera used by SPD. The decision to use situational awareness cameras is made on a case-by-case basis. These devices allow officers to monitor a subject or watch situation from a position of safety and distance. Absent exigent circumstances, a signed warrant is obtained prior to the use of this technology in any protected area.

Concern: Capabilities of the situational awareness cameras beyond specified purpose of use

CTO Assessment: The SIR outlines the acceptable and specified use of the situational awareness cameras. No images or data are collected, stored, or retained by any situational awareness camera used by SPD.

SIR Response:

Section 4.1 Provide details about what information is being collected from sources other than an individual, including other IT systems, systems of record, commercial data aggregators, publicly available data and/or other City departments.

No images or data are collected, stored, or retained by any situational awareness camera used by SPD.

Concern: Unclear what technical and procedural safeguards are in place to prevent the improper viewing, collection, and storage of images.

CTO Assessment: No images or data are collected, stored, or retained by any situational awareness camera used by SPD. the use of situational cameras and the restrictions on recording is also governed by the Intelligence Ordinance, SMC 14.12. The requirements of the Intelligence Ordinance are also incorporated to the relevant SPD Policy in Manual Section 6.060.

SIR Response:

Section 4.1 Provide details about what information is being collected from sources other than an individual, including other IT systems, systems of record, commercial data aggregators, publicly available data and/or other City departments.

No images or data are collected, stored, or retained by any situational awareness camera used by SPD.

Appendix A: Glossary

Accountable: (taken from the racial equity toolkit.) Responsive to the needs and concerns of those most impacted by the issues you are working on, particularly to communities of color and those historically underrepresented in the civic process.

Community outcomes: (taken from the racial equity toolkit.) The specific result you are seeking to achieve that advances racial equity.

Contracting equity: (taken from the racial equity toolkit.) Efforts to achieve equitable racial outcomes in the way the City spends resources, including goods and services, consultants and contracting.

DON: “Department of Neighborhoods.”

Immigrant and refugee access to services: (taken from the racial equity toolkit.) Government services and resources are easily available and understandable to all Seattle residents, including non-native English speakers. Full and active participation of immigrant and refugee communities exists in Seattle’s civic, economic and cultural life.

Inclusive outreach and public engagement: (taken from the racial equity toolkit.) Processes inclusive of people of diverse races, cultures, gender identities, sexual orientations and socio-economic status. Access to information, resources and civic processes so community members can effectively engage in the design and delivery of public services.

Individual racism: (taken from the racial equity toolkit.) Pre-judgment, bias, stereotypes about an individual or group based on race. The impacts of racism on individuals including white people internalizing privilege, and people of color internalizing oppression.

Institutional racism: (taken from the racial equity toolkit.) Organizational programs, policies or procedures that work to the benefit of white people and to the detriment of people of color, usually unintentionally or inadvertently.

OCR: “Office of Civil Rights.”

Opportunity areas: (taken from the racial equity toolkit.) One of seven issue areas the City of Seattle is working on in partnership with the community to eliminate racial disparities and create racial equity. They include: education, health, community development, criminal justice, jobs, housing, and the environment.

Racial equity: (taken from the racial equity toolkit.) When social, economic and political opportunities are not predicted based upon a person’s race.

Racial inequity: (taken from the racial equity toolkit.)
When a person’s race can predict their social, economic, and political opportunities and outcomes.

RET: “Racial Equity Toolkit”

Seattle neighborhoods: (taken from the racial equity toolkit neighborhood.) Boundaries defined for the purpose of understanding geographic areas in Seattle.

Stakeholders: (taken from the racial equity toolkit.)
Those impacted by proposed policy, program, or budget issue who have potential concerns or issue expertise. Examples might include: specific racial/ethnic groups, other institutions like Seattle housing authority, schools, community-based organizations, change teams, City employees, unions, etc.

Structural racism: (taken from the racial equity toolkit.)
The interplay of policies, practices and programs of multiple institutions which leads to adverse outcomes and conditions for communities of color compared to white communities that occurs within the context of racialized historical and cultural conditions.

Surveillance Ordinance: Seattle City Council passed ordinance [125376](#), also referred to as the “Surveillance Ordinance.”

SIR: “Surveillance Impact Report”, a document which captures the fulfillment of the Council-defined surveillance technology review process, as required by ordinance [125376](#).

Workforce equity: (taken from the racial equity toolkit.) Ensure the City's workforce diversity reflects the diversity of Seattle.



Appendix B: Meeting Notice(s)



City Surveillance Technology Event

October 28th, 2020
12:00 p.m. – 1:00 p.m.
[Webex Online Event](#)

**Join us for a public meeting to comment on a few
of the City's surveillance technologies:**

Seattle Police Department

- Forward Looking Infrared Real-time Video (FLIR)
- Situational Awareness Cameras Without Recording
- Video Recording Systems

[WebEx Online Event](#)

Dial-in Info:
+1-408-418-9388
Access code: 146 533 4053

Can't join us online?

Visit <http://www.seattle.gov/surveillance> to leave an online comment or send your comment to **Surveillance and Privacy Program, Seattle IT, PO Box 94709, Seattle, WA 98124.**

The Open Comment period is from **October 7th – November 7th, 2020.**

Please let us know at Surveillance@seattle.gov if you need any accommodations. For more information, visit Seattle.gov/privacy.

Information provided to the City of Seattle is considered a public record and may be subject to public disclosure. For more information see the Public Records Act, RCW Chapter 42.56 or visit Seattle.gov/privacy. All comments submitted will be included in the Surveillance Impact Report.

Appendix C: All Comments Received from Members of the Public

ID: 12165161116

Submitted Through: Online Comment

Date: 11/12/2020 4:06:10 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Situational Awareness Cameras Without Recording

What concerns, if any, do you have about the use of this technology?

I am concerned about SPD using this technology in a transparent and fair way.

What value, if any, do you see in the use of this technology?

What do you want City leadership to consider about the use of this technology?

I do not want SPD to have access to this technology.

Do you have any other comments?

ID: 12165002568

Submitted Through: Online Comment

Date: 11/12/2020 3:06:58 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Situational Awareness Cameras Without Recording

What concerns, if any, do you have about the use of this technology?

test

What value, if any, do you see in the use of this technology?

test

What do you want City leadership to consider about the use of this technology?

test

Do you have any other comments?

test

ID: 12164756754

Submitted Through: Online Comment

Date: 11/12/2020 1:46:26 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Situational Awareness Cameras Without Recording

What concerns, if any, do you have about the use of this technology?

As of Nov. 12th, numerous questions from the public have not been answered by SPD and thus greatly hinder the ability for informed public comment. These questions include: (1) What are the complete model names/numbers for each of the equipment in scope for the Situational Awareness Cameras? (2) What technical safeguards are in place to prevent the storage/retention of images? (3) How specifically has SPD mitigated the risk of improper viewing of protected areas? (4) What (if any) sections of the SPD Manual specifically cover the use of these technologies by SWAT? SPD did not provide the manuals for this equipment in their SIR, so the public is left guessing. While it seems that SPD has an Avatar 1 Robot by RoboteX, the Avatar II robot does support audio/video recording from the remote controller and from the Audio/Video Receiver: <https://robotex.com/wp-content/uploads/2019/04/RoboteX-Avatar-II-User-Manual.pdf> & <https://robotex.com/wp-content/uploads/2019/04/Avatar-II-AV-Receiver-User-Manual.pdf>. I could not locate online the manual for the Avatar 1, but it seems likely that it would too would support recording, as it already is performing video livestreaming and recording would likely be consider valuable basic functionality for the robot to have (especially for Explosive Ordinance Disposal use cases). Additionally, the Tactical Electronics Core Monitor supports taking still images of live video (https://www.tacticalelectronics.com/wp-content/uploads/2019/03/CORE-Monitor_spec.pdf). The Tactical Electronics Core Pole Camera supports recording audio and video onto a 32GB micro SD card (<https://www.tacticalelectronics.com/product/core-pole-camera/>). The Tactical Electronics Core Under Door Camera supports recording video onto a 32GB micro SD card (https://www.tacticalelectronics.com/wp-content/uploads/2019/03/CORE-Under-Door-Camera_spec.pdf). Remington filed bankruptcy and had their divisions sold off to different entities. I don't know who currently owns the rights to their cameras, nor could I locate their manuals/specsheets. Smith and Wesson seems no longer make any cameras. However, third-party stores with old listings for Smith and Wesson cameras list models likely to be used by law enforcement as coming with a 4GB Micro SD card: <https://www.amazon.com/Wesson-SWW-LC-PD99-Camera-4-Gigabyte-Memory/dp/B0047ERNZK> & <https://www.amazon.com/Smith-Wesson-SWW-LC-PD80-Enforcement-Camera/dp/B009KQYYBQ>. With this mind, the public needs stronger reassurances and supporting evidence from SPD that none of these devices in scope for the SIR actually supports recording. The evidence seems to point to most (if not all) of them actually supporting recording. Also, there are some gaps in the SPD manual that should be addressed either by modifications to SPD's manual and/or via ordinance. These gaps include: (1) No part of the SPD manual specifically governs the use of these SWAT cameras, such as for what purposes are they allowed to be deployed or requiring a warrant signed by a judge before use in a non-public area. (2) SPD should be restricted by ordinance from using any situational awareness cameras with capabilities beyond what is defined in the SIR. (3) Even if none of the hardware supports recording, nothing in the SPD manual specifically governs police using SPD-provided or personal cell phones to record the livestream on the displays.

What value, if any, do you see in the use of this technology?

As it currently stands, this technology lacks sufficient guardrails to prevent abuse/misuse of the system. Additionally, SPD hasn't provided the manuals for any of this equipment and the publicly available evidence points to this equipment likely supporting recording. SPD hasn't provide sufficient evidence to the contrary. Hence the public can only assume that this SIR is incomplete and inaccurate. SPD/IT are withholding information from the public, which further impedes the ability for an informed consent by the public in seeing sufficient value in this technology.

What do you want City leadership to consider about the use of this technology?

City leadership should be made aware of the information SPD/IT has withheld from the public. This information missing from the public includes: (1) What are the complete model names/numbers for each of the equipment in scope for the Situational Awareness Cameras? (2) What technical safeguards are in place to prevent the storage/retention of images? (3) How specifically has SPD mitigated the risk of improper viewing of protected areas? (4) What (if any) sections of the SPD Manual specifically cover the use of these technologies by SWAT? SPD did not provide the manuals for this equipment in their SIR, so the public is left guessing. While it seems that SPD has an Avatar 1 Robot by RoboteX, the Avatar II robot does support audio/video recording from the remote controller and from the Audio/Video Receiver: <https://robotex.com/wp-content/uploads/2019/04/RoboteX-Avatar-II-User-Manual.pdf> & <https://robotex.com/wp-content/uploads/2019/04/Avatar-II-AV-Receiver-User-Manual.pdf> . I could not locate online the manual for the Avatar 1, but it seems likely that it would too would support recording, as it already is performing video livestreaming and recording would likely be consider valuable basic functionality for the robot to have (especially for Explosive Ordinance Disposal use cases). Additionally, the Tactical Electronics Core Monitor supports taking still images of live video (https://www.tacticalelectronics.com/wp-content/uploads/2019/03/CORE-Monitor_spec.pdf). The Tactical Electronics Core Pole Camera supports recording audio and video onto a 32GB micro SD card (<https://www.tacticalelectronics.com/product/core-pole-camera/>). The Tactical Electronics Core Under Door Camera supports recording video onto a 32GB micro SD card (https://www.tacticalelectronics.com/wp-content/uploads/2019/03/CORE-Under-Door-Camera_spec.pdf). Remington filed bankruptcy and had their divisions sold off to different entities. I don't know who currently owns the rights to their cameras, nor could I locate their manuals/specsheets. Smith and Wesson seems no longer make any cameras. However, third-party stores with old listings for Smith and Wesson cameras list models likely to be used by law enforcement as coming with a 4GB Micro SD card: <https://www.amazon.com/Wesson-SWW-LC-PD99-Camera-4-Gigabyte-Memory/dp/B0047ERNZK> & <https://www.amazon.com/Smith-Wesson-SWW-LC-PD80-Enforcement-Camera/dp/B009KQYYBQ> . With this mind, the public needs stronger reassurances and supporting evidence from SPD that none of these devices in scope for the SIR actually supports recording. The evidence seems to point to most (if not all) of them actually supporting recording. City leadership should be encouraged to mandate (via SPD manual changes and/or ordinance) to address some gaps and add appropriate guardrails to the use of this technology. The current gaps include: (1) No part of the SPD manual specifically governs the use of these SWAT cameras, such as for what purposes are they allowed to be deployed or requiring a warrant signed by a judge before use in a non-public area. (2) SPD should be restricted by ordinance from using any situational awareness cameras with capabilities beyond what is defined in the SIR. (3) Even if none of the hardware supports recording, nothing in the SPD manual specifically governs police using SPD-provided or personal cell phones to record the livestream on the displays.

Do you have any other comments?

There are many areas of improvement by IT/Privacy-dept. regarding their public engagement process on surveillance technologies. Some of the more recent issues include: (1) The Privacy dept. calendar event for the Group 3 public engagement meeting didn't include the access code for phone-only users to dial-in (one had to know of and go to the TechTalk blog to get the access code). (2) Directions at public engagement meeting for providing verbal public comment were to raise hand in webex which clearly is not possible for phone-only users. (3) Public engagement truncated. CTO told City Council it would be 45 days. Instead IT used 30 days with a 1 week extension agreed to be added (so 37 days). (4) The Group 3 public engagement meeting recording (as of Nov. 12th) has not been posted publicly, so people unable to attend don't have access to the discussion/Q&A before the public comment period closes. (5) SPD has not provided answers before the public comment period closes. (6) SPD further dodged valid questions from the public by requiring PRA requests, which have zero hope of being addressed within the public comment period. (7) IT has repeatedly requested & attained (and in 1 case, just self-granted) time extensions for the Surveillance Ordinance process. When the public needs time for SPD to provide answers so as to provide informed public comment, now suddenly IT is on a tight time schedule and can't extend the public comment period. Additionally, IT/Privacy-dept. has repeatedly lamented the lack of public engagement, but have also taken no additional steps to rectify this for Group 3; and did not heed prior feedback from the CSWG regarding the engagement process. There are numerous steps IT/Privacy-dept. should take to improve public engagement. The recommendations to the CTO & CPO for Group 4 include: (1) Breaking the group into smaller groups. Group 4 on deck with 13 technologies: 2 re-visits of SFD tech, 3 types of undercover technologies, & 8 other technologies. (2) Allocating more time for open public comment: minimum of 2 weeks per each in scope tech (so Group 3 would be 42 days, and Group 4 would be 154 - 182 days). (3) Hold more public engagement meetings per Group - specifically the number of public engagement meetings should at a minimum match the number of technologies being considered for public comment (otherwise the meeting will run out of time before all the questions from the public can even be asked, which did happen with Group 3). (4) Require at the public engagement meetings both a Subject Matter Expert on the use of the technology AND a Subject Matter Expert on the technical management of the technology. There should be no excuse for most of the public's questions being unanswered by the City at these meetings. (5) Hold public engagement meetings that are accessible to marginalized communities most likely to have this technology used against them (such as, holding meetings at various times of day & weekends, having translators, etc). (6) Post online the recordings of all online public engagement meetings at least 1 week before the public comment period closes. (7) Require departments to provide answers to the public's questions at least 1 week before the public comment period closes. (8) Post public announcements for focus groups held by the City (9) Public engagement meetings and focus groups should have at least 1 outside civil liberties representative to present. (10) Publish to the Privacy website in a more timely manner the CSWG meeting announcements and minutes. (11) Work with more City departments (not just Dept. of Neighborhoods) to foster engagement. (12) Work with more City boards and committees to foster engagement. (13) Provide at least 2 week lead time between announcing a public engagement meeting and the timing of that meeting occurring. (14) Provide early versions of drafts SIRs to the CSWG (as they requested more than once).

ID: 12105115839

Submitted Through: Online Comment

Date: 10/23/2020 6:48:07 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Situational Awareness Cameras Without Recording

What concerns, if any, do you have about the use of this technology?

All video and sound feeds MUST be recorded for police accountability. Freedom of Information Act should be in place.

What value, if any, do you see in the use of this technology?

Could save lives and give SWAT a much needed new technology for public safety.

What do you want City leadership to consider about the use of this technology?

Record all video and sound files and archive properly. A transparent policy is a must.

Do you have any other comments?

ID: 12101261360

Submitted Through: Online Comment

Date: 10/22/2020 2:12:59 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Situational Awareness Cameras Without Recording

What concerns, if any, do you have about the use of this technology?

Typically these cameras don't have a great resolution and aren't great at identifying someone. Relying on this tech to identify someone is where most of my concerns are

What value, if any, do you see in the use of this technology?

These cameras are great for seeing around corners and trying to spot folks that need pulled out of things and combined with FLIR can be real game changers when trying to locate someone in a room.

What do you want City leadership to consider about the use of this technology?

Consider using additional technology when identifying a person, but use this to help find folks.

Do you have any other comments?

Appendix D: Letters from Organizations or Commissions

November 6, 2020

Seattle Information Technology
700 5th Ave, Suite 2700
Seattle, WA 98104

RE: ACLU of Washington Comments on Group 3 Surveillance Technologies

On behalf of the ACLU of Washington, I write to offer our comments on the surveillance technologies included in Group 3 of the Seattle Surveillance Ordinance implementation process.

The three Seattle Police Department (SPD) technologies in Group 3 are covered in the following order:

1. Forward Looking Infrared – King County Sheriff's Office Helicopters
2. Video Recording Systems
3. Situational Awareness Cameras Without Recording

These comments should be considered preliminary, given that the Surveillance Impact Reports (SIR) for each technology leave a number of important questions unanswered. Specific unanswered questions for each technology are noted in the comments relating to that technology. Answers to these questions should be included in the updated SIRs provided to the Community Surveillance Working Group and to the City Council prior to their review of the technologies.

Forward Looking Infrared - KCSO Helicopters

Background

Forward Looking Infrared (FLIR) is a powerful thermal imaging surveillance technology that raises a number of privacy and civil liberties concerns because of its ability to enable dragnet surveillance of individuals in public as well as in private spaces.

FLIR cameras sense infrared radiation to create images assembled for real-time video output. This technology detects small differences in heat, or emitted thermal energy, and displays them as shades of gray or with different colors. Because all objects emit different amounts of thermal energy, FLIR cameras are able to detect temperature differences and translate them into images.¹

Advanced thermal imaging systems like FLIR allow governments to increase their surveillance capabilities. Like any device used for surveillance, government agents may use it inappropriately to gather information on people based on their race, religion, or political views. While thermal imaging devices cannot “see” through

¹ ACLU of Washington, *Thermal Imaging Surveillance*, [THEYAREWATCHING.ORG](https://theyarewatching.org/technology/thermal-imaging-surveillance), <https://theyarewatching.org/technology/thermal-imaging-surveillance> (last visited Nov. 5, 2020).



P. O. Box 2728
Seattle, WA 98111-2728
(206) 624-2184
aclu-wa.org

Tana Lin
Board President

Michele Stormo
Executive Director

walls, pointing a thermal camera at a building can still reveal sensitive information about what is happening inside. Drug detectives often use these devices to identify possible marijuana growers by looking for heat consistent with grow lights.² Furthermore, privacy and civil liberties concerns with FLIR are magnified when FLIR is used in conjunction with other powerful surveillance tools such as facial recognition and drones.

The Seattle Police Department (SPD) uses three King County Sheriff's Office helicopters that are equipped with FLIR technology as well as 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. SPD can use FLIR technology and these helicopters to monitor human beings (whose body temperatures are fairly consistent) through clouds, haze, and darkness.

There are serious concerns with SPD's use of KCSO's helicopters as described in the SIR. The policies attached in the SIR do not include purpose limitations, adequate privacy and security protections, or restrictions on use. The SIR also does not specify how long KCSO retains still images and recordings attained when assisting SPD, or whether SPD's Digital Evidence Management System (DEMS) is an on-premise or a Software-as-a-Service (SaaS) deployment.

At the public engagement meeting held on October 28, 2020,³ SPD officers were asked if SPD had ever used KCSO helicopters or FLIR technology for the purpose of surveilling protesters and if SPD had any policies prohibiting use of these technologies for protester surveillance. The officers were also asked over which neighborhoods the helicopters had been deployed, given that the SIR states that in 2018, Guardian One was deployed 45 times to SPD events. For both questions, SPD officers declined to answer and told the public to submit public records requests. However, because SPD's Public Records Act request portal states that the minimum response timeline is in excess of 6-12 months, members of the public would not be able to receive answers to these questions in time to submit public comments on these technologies.

Given the lack of adequate policies in the SIR and the number of unanswered questions that remain, we have concerns that SPD's use of KCSO's helicopters and FLIR technology may infringe upon people's civil rights and civil liberties. KCSO's FLIR-equipped helicopters may be used to disproportionately surveil historically targeted communities, individuals exercising their constitutionally protected right to protest, or people just going about their lives.

Specific Concerns

² In the 2001 case *Kyllo v. United States*, the U.S. Supreme Court ruled that federal agents violated the Fourth Amendment when they used a thermal imaging device to detect marijuana plants growing inside a home.

³ Seattle Police Department, *Surveillance Technology Public Comment Meeting*, CITY OF SEATTLE (Oct. 28, 2020), <https://www.seattle.gov/Documents/Departments/Tech/Privacy/Group%203%20Presentation.pdf>.

- **There are inadequate policies defining purpose of use.** The policies cited in the SIR do not impose meaningful restrictions on the purpose for which SPD may request that KCSO helicopters and FLIR technology be used. Policy 16.060 – King County Sheriff’s Office Air Support Unit⁴ simply states that “Guardian One offers air support for patrol and specialized missions” and that “Guardian Two offers air support for special operations such as search and rescue (SAR) and tactical missions.” This policy only describes the process by which SPD may request support from KCSO’s air support unit but does not state the specific purposes for which SPD may or may not request support. Section 4.9 of the SIR⁵ states that SPD may request video from KCSO’s Air Unit “[w]hen necessary and pertinent to a specific investigation” but does not specify the types of investigations for which SPD may request data from KCSO or how it is determined if such data is necessary and pertinent. Policy 6.060 – Collection of Information for Law Enforcement Purposes⁶ states that “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” and Policy 5.140 – Bias-Free Policing states that “officers will not engage in bias-based policing.”⁷ However, SPD’s answers at the October 28 public engagement meeting do not make clear whether and how SPD prohibits use of KCSO helicopters to engage in surveillance of protesters or biased policing. Section 1.4.2 of the Racial Equity Toolkit (RET) section of the SIR specifically asks: “How are decisions made where the technology is used or deployed? How does the Department work to ensure diverse neighborhoods are not specifically targeted?”⁸ The response from SPD directs attention to SPD Policy 16.060, which does not provide adequate purpose limitations.
- **There are inadequate policies restricting data collection.** The policies cited in the SIR do not place any restrictions on the amount or types of data SPD may request from KCSO. At the October 28 public engagement meeting, SPD officers did not answer whether or how SPD places time or geographic limitations on the data it may request from KCSO.

⁴ Seattle Police Department, *Seattle Police Department Manual: 16.060 - King County Sheriff’s Office Air Support Unit*, CITY OF SEATTLE (Mar. 1, 2016), <http://www.seattle.gov/police-manual/title-16---patrol-operations/16060---king-county-sheriffs-office-air-support-unit>.

⁵ Seattle Police Department, *2020 Surveillance Impact Report: Forward Looking Infrared Real-Time Video (FLIR) (KCSO Helicopters)*, CITY OF SEATTLE, at 12, http://www.seattle.gov/Documents/Departments/Tech/Privacy/FLIR%20-%20KCSO%20Helicopters%20Public_Engagement%20SIR.pdf (last visited Nov. 5, 2020).

⁶ Seattle Police Department, *Seattle Police Department Manual: 6.060 - Collection of Information for Law Enforcement Purposes*, CITY OF SEATTLE (May 19, 2004), <http://www.seattle.gov/police-manual/title-6---arrests-search-and-seizure/6060---collection-of-information-for-law-enforcement-purposes>.

⁷ Seattle Police Department, *Seattle Police Department Manual: 5.140 - Bias-Free Policing*, CITY OF SEATTLE (Aug. 1, 2019), <http://www.seattle.gov/police-manual/title-5---employee-conduct/5140---bias-free-policing>.

⁸ *2020 Impact Report: Infrared Video*, supra note 5, at 23.

- **It is unclear if and how SPD protects the privacy of individuals unrelated to an investigation.** The SIR does not include any policies regarding how it redacts or deletes information. At the October 28 public engagement meeting, SPD officers did not provide an answer to the question of whether and how it redacts or deletes information collected that may compromise the privacy of individuals unrelated to an investigation.
- **It is unclear how data collected are stored and protected.** SPD stated at the October 28 public engagement meeting that it is unaware of how long KCSO retains still images and recordings obtained when assisting SPD. While SPD officers stated that SPD stores video requested from KCSO in its Digital Evidence Management System (DEMS)—not Evidence.com, this is not made clear within the SIR. Additionally, SPD officers did not answer whether SPD’s DEMS is on on-premise or Software-as-a-Service (SaaS) deployment.
- **The SIR does not provide the dates and neighborhoods over which KCSO helicopters and FLIR technology have been deployed.** Though the SIR states that there have been 45 deployments of Guardian One to support SPD in 2018, the SIR does not include an analysis of the locations of those deployments.⁹ Additionally, during the October 28 public engagement meeting, SPD declined to state the neighborhoods over which the helicopters had been deployed. It is important that SPD include this information in the Racial Equity Toolkit section of the final SIR in order to address the following questions in Section 1.4.2: “How are decisions made where the technology is used or deployed? How does the Department work to ensure diverse neighborhoods are not specifically targeted?”¹⁰

Outstanding Questions

- What are the registration and/or tail numbers for each helicopter?
- In 2019 and 2020, did the KCSO Air Support Unit have any additional helicopters aside from the three listed in the SIR?
- How long does KCSO retain still images and recordings attained when assisting SPD?
- Is SPD’s Digital Evidence Management System (DEMS) an on-premise deployment or is it Software-as-a-Service?
- Has SPD ever requested KCSO ASU services or obtained data from KCSO’s helicopters and/or FLIR technology to surveil protesters?
- What are the neighborhoods over which KCSO’s helicopters have been deployed?

Recommendations for Regulation

At this stage, pending answers to the questions above, we can make only preliminary recommendations for the regulation of SPD’s use of KCSO’s helicopters and FLIR technology. We recommend that the Council adopt, via ordinance, at a minimum, clear and enforceable rules that ensure the following:

⁹ *Id.* at 9.

¹⁰ *Id.* at 23.

- **SPD must abide by a specific and restricted purpose of use:** The ordinance should define a specific purpose of use for KCSO's helicopters and FLIR technology, and any SPD use of KCSO's helicopters and FLIR technology and data collected with these technologies must be restricted to that specific purpose.
- **SPD must adopt processes to ensure it is not targeting diverse neighborhoods.** The ordinance should prohibit SPD from using KCSO's helicopters and FLIR technology to disproportionately surveil communities of color and other historically over-policed communities.
- **SPD must protect the privacy of individuals unrelated to a specific search or investigation.** The ordinance should require SPD to redact or delete information collected that may compromise the privacy of individuals not related to a specific search or investigation, restricted by the purpose of use.
- **SPD must produce a publicly available annual report detailing its use of KCSO helicopters and FLIR technology.** The ordinance should require that SPD produce an annual report including details on how SPD used the data collected, the amount of data collected, for how long data were retained and in what form, where the data are stored, and the neighborhoods over which KCSO helicopters and/or FLIR technology were deployed.

Video Recording Systems

Background

SPD uses two cameras systems to record and/or monitor members of the public within SPD interview rooms, Blood Alcohol Collection (BAC) rooms, and precinct holding cells: Genetec Video Management System and Milestone Systems XProtect Video Management Software and Products.

Genetec Video Management System is a permanently installed system primarily used to record in-person interactions and interviews with crime victims, witnesses, and suspects in seven designated interview rooms located at the SPD headquarters in the Seattle Justice Center. This system is used to create a video record of interviews for the purposes of use in criminal justice proceedings. Milestone Systems XProtect Video Management Software and Products is a permanently installed system in SPD's Blood Alcohol Collection (BAC) rooms and precinct holding cells. They record continuously all activity in those locations.¹¹

SPD's use of these video recording systems can pose threats to people's privacy and civil liberties if used without adequate safeguards. The SIR does not provide adequate purpose limitations regarding SPD's use of these technologies, does not include full details of the capabilities of these systems, and does not adequately specify technical and procedural safeguards to prevent improper viewing.

¹¹ Seattle Police Department, *2020 Surveillance Impact Report: Video Recording Systems (Interview, Blood-Alcohol Collection Room, and Precinct Holding Cell Audio)*, CITY OF SEATTLE, at 4, https://www.seattle.gov/Documents/Departments/Tech/Privacy/Video%20Recording%20Systems%20Public_Engagement%20SIR.pdf (last visited Nov. 5, 2020).

collection, or storage of the images or video footage.

Specific Concerns

- **There are inadequate policies defining purpose of use.** Section 4.9 of the SIR asks, “What are acceptable reasons for access to the equipment and/or data collected?”¹² The response does not specifically detail how and for what purpose the equipment and/or data collected from the equipment may be used.
- **The capabilities of the Genetec and Milestone systems are unclear.** SPD does not provide links or attachments providing specific details about either of the systems they use. Both Genetec¹³ and Milestone¹⁴ advertise facial recognition systems that may be integrated with its video management systems.
- **It is unclear how data are collected, stored, and protected.** The SIR does not make clear whether SPD stores the data they receive in the Digital Evidence Management System or Evidence.com, a cloud-based digital evidence platform owned by Axon. The SIR simply references SPD policy 7.110 – Recorded Statements, which states that data may be uploaded to the Digital Evidence Management System (DEMS) or Evidence.com.¹⁵ Additionally, the SIR does not include information about the security practices SPD follows to protect the privacy of members of the public who are recorded by the Genetec and Milestone video management systems. Finally, the SIR does not specify who has permission to modify the pan, tilt, and/or zoom of the cameras.

Outstanding Questions

- Does SPD use a Genetec or Milestone partner add-on that enables facial recognition or other biometric data collection/identification?
- How are firmware/software updates applied to the Genetec systems?
- What security practices does SPD follow?
- Where does the SPD Evidence Section store the Genetec-generated recordings and Milestone recordings they receive?
- For both the Genetec and Milestone systems, who has permission to modify the pan, tilt, and/or zoom of the cameras?

¹² *Id.* at 12.

¹³ *Security Center Omnicast IP video surveillance*, GENETEC, <https://resources.genetec.com/video-modules-and-add-ons/omnicast-ip-video-surveillance> (last visited Nov. 5, 2020).

¹⁴ *Dahua Face Recognition Plugin for Milestone VMS*, MILESTONE, <https://www.milestonesys.com/marketplace/zhejiang-dahua-technology-co.-ltd/dahua-face-recognition-plugin-for-milestone-vms/> (last visited Nov. 5, 2020); *Id-Guard Face Recognition Plugin*, MILESTONE, <https://www.milestonesys.com/marketplace/llc-recfaces/id-guard-face-recognition-plugin/> (Nov. 5, 2020).

¹⁵ Seattle Police Department, *Seattle Police Department Manual: 7.110 - Recorded Statements*, CITY OF SEATTLE (Oct. 1, 2020), <https://www.seattle.gov/police-manual/title-7---evidence-and-property/7110---recorded-statements>.

Recommendations for Regulation

At this stage, pending answers to the questions above, we can make only preliminary recommendations for the regulation of SPD's use of video recording systems. We recommend that the Council adopt, via ordinance, at a minimum, clear and enforceable rules that ensure the following:

- **SPD must abide by a specific and restricted purpose of use:** The ordinance should define a specific purpose of use for any video recording systems used by SPD, and any use must be restricted to that specific purpose.
- **SPD must not use any video recording systems that have capabilities beyond what is strictly necessary to fulfill the purpose of use (e.g., recording custodial interrogations).** The ordinance should prohibit incorporating additional services such as facial recognition systems with the video recording systems.

Situational Awareness Cameras Without Recording

Background

SPD uses four types of portable cameras to observe both public and private areas during tactical operations. The four types of cameras and their vendors are:

- Robot-mounted cameras – RoboteX
- Pole-mounted cameras – Tactical Electronics & Smith and Wesson
- Placeable cameras – Remington & Tactical Electronics
- Throwable cameras – Remington & Tactical Electronics¹⁶

SPD's use of these situational awareness cameras can pose threats to people's privacy and civil liberties if used without adequate safeguards. The SIR does not provide adequate purpose limitations regarding SPD's use of these technologies, does not include full details of the capabilities of the cameras, and does not adequately specify technical and procedural safeguards to prevent improper viewing, collection, or storage of the images or video footage.

Specific Concerns

- **There are inadequate policies defining purpose of use.** Section 4.9 of the SIR asks, "What are acceptable reasons for access to the equipment and/or data collected?" The response states: "The decision to use situational awareness cameras is made on a case-by-case basis. These devices allow officers to monitor a subject or watch situation from a position of safety and distance. Absent exigent circumstances, a signed warrant is obtained prior to the use of this technology in any protected area."¹⁷ This response does not

¹⁶ Seattle Police Department, *2020 Surveillance Impact Report: Situational Awareness Cameras Without Recording*, CITY OF SEATTLE, at 5, https://www.seattle.gov/Documents/Departments/Tech/Privacy/Situational%20Awareness%20Cameras%20Public_Engagement%20SIR.pdf (last visited Nov. 5, 2020).

¹⁷ *Id.* at 8.

provide a clear and limited purpose for which this technology may or may not be used. While SPD's response states that a warrant is obtained prior to use of the cameras in protected areas, such as inside a home, it does not state the specific purposes for which SPD may or may not use the cameras without a warrant.

- **The capabilities of the situational awareness cameras are unclear.** The SIR does not provide manuals or the complete model names and/or numbers of each of the camera technologies. During the October 28 public engagement meeting, SPD stated that their situational awareness cameras do not support recording. However, the vendor websites advertise situational awareness cameras that do support recording. For example, the Tactical Electronics Core Monitor,¹⁸ Pole Camera,¹⁹ and Under Door Camera²⁰ can either take photos, record video, and/or record audio.
- **It is unclear what technical and procedural safeguards are in place to prevent the improper viewing, collection, and storage of images.** During the October 28 public engagement meeting, SPD stated that there is no way that images, video, or audio footage could be collected and stored. In order to verify that information, SPD must provide detailed information about the technologies it uses as stated above. Additionally, even if the cameras themselves cannot record footage, it is unclear if there are policies and procedures in place to prevent live-streamed situational camera footage from being recorded via a different device.

Outstanding Questions

- What are the complete model names/numbers for each of the equipment in scope for the Situational Awareness Cameras?
- What technical safeguards are in place to prevent the storage/retention of images?
- 7.3 of Situational Awareness Cameras SIR states "[the SWAT Unit] have mitigated the risk of improper viewing of the protected areas." How specifically have they mitigated the risk?
- What (if any) sections of the SPD Manual specifically cover the use of these technologies by SWAT?

Recommendations for Regulation

At this stage, pending answers to the questions above, we can only make preliminary recommendations for the regulation of SPD's use of situational awareness cameras. We recommend that the Council adopt, via ordinance, at a minimum, clear and enforceable rules that ensure the following:

¹⁸ *Core Monitor*, TACTICAL ELEC., <https://www.tacticalectronics.com/product/core-monitor/> (last visited Nov. 5, 2020).

¹⁹ *Core Pole Camera*, TACTICAL ELEC., <https://www.tacticalectronics.com/product/core-pole-camera/> (last visited Nov. 5, 2020).

²⁰ *Core Under Door Camera*, TACTICAL ELEC., <https://www.tacticalectronics.com/product/core-under-door-camera/> (last visited Nov. 5, 2020).

- **SPD must abide by a specific and restricted purpose of use:** The ordinance should define a specific purpose of use for situational awareness cameras used by SPD, and any use must be restricted to that specific purpose.
- **SPD must not use any situational awareness cameras that have capabilities beyond what is strictly necessary to fulfill the purpose of use defined by the ordinance.** The ordinance should prohibit SPD from using cameras that have facial recognition or recording capabilities.
- **SPD must adopt technical and procedural safeguards to prevent misuse of the situational awareness cameras.** The ordinance should require SPD adopt safeguards that prevent use of the cameras or the footage streamed from the cameras for purposes beyond what is defined in the ordinance.

Thank you for your consideration of our comments and for facilitating this public review process.

Sincerely,

Jennifer Lee
Technology and Liberty Project Manager

Appendix E: CTO Notification of Surveillance Technology

Thank you for your department's efforts to comply with the new Surveillance Ordinance, including a review of your existing technologies to determine which may be subject to the Ordinance. I recognize this was a significant investment of time by your staff; their efforts are helping to build Council and public trust in how the City collects and uses data.

As required by the Ordinance (SMC 14.18.020.D), this is formal notice that the technologies listed below will require review and approval by City Council to remain in use. This list was determined through a process outlined in the Ordinance and was submitted at the end of last year for review to the Mayor's Office and City Council.

The first technology on the list below must be submitted for review by March 31, 2018, with one additional technology submitted for review at the end of each month after that. The City's Privacy Team has been tasked with assisting you and your staff with the completion of this process and has already begun working with your designated department team members to provide direction about the Surveillance Impact Report completion process.

Please let me know if you have any questions.

Thank you,

Michael Mattmiller

Chief Technology Officer

Technology	Description	Proposed Review Order
Automated License Plate Recognition (ALPR)	ALPRs are computer-controlled, high-speed camera systems mounted on parking enforcement or police vehicles that automatically capture an image of license plates that come into view and converts the image of the license plate into alphanumeric data that can be used to locate vehicles reported stolen or otherwise sought for public safety purposes and to enforce parking restrictions.	1
Booking Photo Comparison Software (BPCS)	BCPS 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 identify the person in the picture to further investigate his or her involvement in the crime. Use of BPCS is governed by SPD Manual §12.045 .	2
Forward Looking Infrared Real-time video (FLIR)	Two King County Sheriff’s Office helicopters with Forward Looking Infrared (FLIR) send a real-time microwave video downlink of ongoing events to commanders and other decision-makers on the ground, facilitating specialized radio tracking equipment to locate bank robbery suspects and provides a platform for aerial photography and digital video of large outdoor locations (e.g., crime scenes and disaster damage, etc.).	3

Technology	Description	Proposed Review Order
Undercover/ Technologies	<p>The following groups of technologies are used to conduct sensitive investigations and should be reviewed together.</p> <ul style="list-style-type: none"> • Audio recording devices: A hidden microphone to audio record individuals without their knowledge. The microphone is either not visible to the subject being recorded or is disguised as another object. Used with search warrant or signed Authorization to Intercept (RCW 9A.73.200). • Camera systems: A hidden camera used to record people without their knowledge. The camera is either not visible to the subject being filmed or is disguised as another object. Used with consent, a search warrant (when the area captured by the camera is not in plain view of the public), or with specific and articulable facts that a person has or is about to be engaged in a criminal activity and the camera captures only areas in plain view of the public. • Tracking devices: A hidden tracking device carried by a moving vehicle or person that uses the Global Positioning System to determine and track the precise location. U.S. Supreme Court v. Jones mandated that these must have consent or a search warrant to be used. 	<p>4</p>
Computer-Aided Dispatch (CAD)	<p>CAD is used to initiate public safety calls for service, dispatch, and to maintain the status of responding resources in the field. It is used by 911 dispatchers as well as by officers using mobile data terminals (MDTs) in the field.</p>	<p>5</p>

Technology	Description	Proposed Review Order
CopLogic	System allowing individuals to submit police reports on-line for certain low-level crimes in non-emergency situations where there are no known suspects or information about the crime that can be followed up on. Use is opt-in, but individuals may enter personally-identifying information about third-parties without providing notice to those individuals.	6
Hostage Negotiation Throw Phone	A set of recording and tracking technologies contained in a phone that is used in hostage negotiation situations to facilitate communications.	7
Remotely Operated Vehicles (ROVs)	These are SPD non-recording ROVs/robots used by Arson/Bomb Unit to safely approach suspected explosives, by Harbor Unit to detect drowning victims, vehicles, or other submerged items, and by SWAT in tactical situations to assess dangerous situations from a safe, remote location.	8
911 Logging Recorder	System providing networked access to the logged telephony and radio voice recordings of the 911 center.	9
Computer, cellphone and mobile device extraction tools	Forensics tool used with consent of phone/device owner or pursuant to a warrant to acquire, decode, and analyze data from smartphones, tablets, portable GPS device, desktop and laptop computers.	10
Video Recording Systems	These systems are to record events that take place in a Blood Alcohol Concentration (BAC) Room, holding cells, interview, lineup, and polygraph rooms recording systems.	11
Washington State Patrol (WSP) Aircraft	Provides statewide aerial enforcement, rapid response, airborne assessments of incidents, and transportation services in support of the Patrol's public safety mission. WSP Aviation currently manages seven aircraft equipped with FLIR cameras. SPD requests support as needed from WSP aircraft.	12

Technology	Description	Proposed Review Order
Washington State Patrol (WSP) Drones	WSP has begun using drones for surveying traffic collision sites to expedite incident investigation and facilitate a return to normal traffic flow. SPD may then request assistance documenting crash sites from WSP.	13
Callyo	This software may be installed on an officer's cell phone to allow them to record the audio from phone communications between law enforcement and suspects. Callyo may be used with consent or search warrant.	14
I2 iBase	The I2 iBase crime analysis tool allows for configuring, capturing, controlling, analyzing and displaying complex information and relationships in link and entity data. iBase is both a database application, as well as a modeling and analysis tool. It uses data pulled from SPD's existing systems for modeling and analysis.	15
Parking Enforcement Systems	Several applications are linked together to comprise the enforcement system and used with ALPR for issuing parking citations. This is in support of enforcing the Scofflaw Ordinance SMC 11.35 .	16
Situational Awareness Cameras Without Recording	Non-recording cameras that allow officers to observe around corners or other areas during tactical operations where officers need to see the situation before entering a building, floor or room. These may be rolled, tossed, lowered or throw into an area, attached to a hand-held pole and extended around a corner or into an area. Smaller cameras may be rolled under a doorway. The cameras contain wireless transmitters that convey images to officers.	17
Crash Data Retrieval	Tool that allows a Collision Reconstructionist investigating vehicle crashes the opportunity to image data stored in the vehicle's airbag control module. This is done for a vehicle that has been in a crash and is used with consent or search warrant.	18

Technology	Description	Proposed Review Order
Maltego	An interactive data mining tool that renders graphs for link analysis. The tool is used in online investigations for finding relationships between pieces of information from various sources located on the internet.	19

Please let me know if you have any questions.

Thank you,

Michael

2020 Surveillance Impact Report Executive Overview

Situational Awareness Cameras Without Recording

Seattle Police Department

April 13th, 2021

Version 1

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 Situational Awareness Cameras Without Recording. 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 Seattle Police Department utilizes four types of situational awareness cameras to monitor an identified subject or watch an area of concern while positioned from a safe distance away. SPD operates these cameras in a variety of different ways to serve specific purposes depending on the situational need. The cameras fall broadly into four categories:

- mounted on remote controlled robots,
- mounted to poles or extenders,
- strategically placed, and
- cameras that are thrown.

There are four types of situational awareness cameras used by SPD's SWAT Unit:

Robot Mounted Cameras – The Avatar Robot by RoboteX incorporates a 360-degree optical camera and is remote controlled by officers from a safe position on scene. The remote range of the Avatar Robot is approximately 200 meters.

Pole Cameras – Pole camera models are made by Tactical Electronics and Smith and Wesson. These are small, portable cameras that can be extended in height (to approximately 20'). They are typically handheld during their use and send secure images to the user's handheld remote monitor.

Placeable Cameras – Camera models are made by Remington and Tactical Electronics. They are small portable cameras designed to be placed in specific strategic locations and situations. These models also send secure images to the user's handheld remote monitor.

Throwable Cameras – Camera models are made by Remington and Tactical Electronics. These small, rugged cameras are designed to be thrown into situations where access by SPD personnel is not possible. Like the pole and placeable cameras, the secure images are transmitted to the user's handheld remote monitor.

The images transmitted from these cameras are secured and viewed on proprietary monitors. SPD does not record, store, or retain any of the images captured by these camera technologies.

April 13, 2021

Version 1

2.0 Purpose

Operational Policy: Describe limits to the function of the technology according to the stated purpose.

SPD's tactical units use situational awareness cameras to assess potentially dangerous situations from a safe location. The use of these cameras allows SPD to view surroundings and gain additional information prior to entering a location, which provides additional safety and security to SPD personnel, the subjects of the observation, and other members of the community.

3.0 Data Collection and Use

Operational Policy: No images or data are collected, stored, or retained by any situational awareness camera used by SPD.

No images or data are collected, stored, or retained by any situational awareness camera used by SPD. This equipment is securely stored and accessible only to the SWAT Unit for use in their operations.

4.0 Data Minimization & Retention

Operational Policy: No images or data are collected, stored, or retained by any situational awareness camera used by SPD.

This question is not applicable to these technologies, as no images or data are collected, stored, or retained by any situational awareness camera used by SPD.

5.0 Access & Security

Operational Policy: All members of SWAT are given training in the use and appropriate application of these cameras. Any SWAT personnel may elect to use one of the cameras if the situation calls for its use.

This equipment is securely stored and accessible only to the SWAT Unit for use in their operations. No images or data are collected, stored, or retained by any situational awareness camera used by SPD.

When situational awareness camera equipment will be utilized in protected areas, such as inside a home, the SWAT Unit obtains a signed warrant.

April 13, 2021

Version 1

Access

No images or data are collected, stored, or retained by any situational awareness camera used by SPD. When situational awareness camera equipment will be utilized in protected areas, such as inside a home, the SWAT Unit obtains a signed warrant.

Security

Only members of SWAT are authorized to use this equipment and are specifically trained in their use. The SWAT commanders are responsible to ensure usage of the technology falls within appropriate usage.

6.0 Data Sharing and Accuracy

Operational Policy: No data is collected, stored, or retained by any situational awareness camera and cannot be shared.

This question on data sharing is not applicable to these technologies, as no images or data are collected, stored, or retained by any situational awareness camera used by SPD.

7.0 Equity Concerns

Operational Policy: Where the cameras are utilized in non-public areas a signed warrant is obtained prior to their use.

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. The use of this technology does not enhance the risks of racial or ethnicity-based bias.

The potential that innocent members of the community would fall under surveillance by covert use of situational awareness cameras by the SPD SWAT Unit is mitigated in two ways. First, the usage of this equipment is situational, and the cameras are used during events in which the SWAT Unit responds to calls for police service. Where the cameras are utilized in non-public areas a signed warrant is obtained prior to their use. Second, no images, data, or audio is recorded by the situational awareness cameras.

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. [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. The use of this technology does not enhance the risks of racial or ethnicity-based bias.

April 13, 2021

Version 1

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
SPD / ITD	Rebecca Boatwright / Vinh Tang	Neal Capapas/206-684-5292

* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to surveillance technology implementation; authorizing approval of uses and accepting the 2020 surveillance impact report and 2020 executive overview for the Seattle Police Department’s use of Situational Awareness Cameras Without Recording.

Summary and background of the Legislation: Per SMC Chapter 14.18 (also known as the Surveillance Ordinance), authorizing the approval of the surveillance impact reports for Seattle Police Department’s continued use of Situational Awareness Cameras Without Recording.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes X No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes X No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

This technology is currently in use by the Seattle Police Department and no additional costs, either direct or indirect, will be incurred based on the continued use of the technology. However, should it be determined that SPD should cease use of the technology, there would be costs associated with decommissioning the technology. Additionally, there may be potential financial penalties related to breach of contract with the technology vendor(s).

Is there financial cost or other impacts of *not* implementing the legislation?

Per the Surveillance Ordinance, the City department may continue use of the technology until legislation is implemented. As such, there are no financial costs or other impacts that would result from not implementing the legislation.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

This legislation does not affect other departments.

b. Is a public hearing required for this legislation?

A public hearing is not required for this legislation.

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No publication of notice is required for this legislation.

d. Does this legislation affect a piece of property?

This legislation does not affect a piece of property.

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

The Surveillance Ordinance in general is designed to address civil liberties and disparate community impacts of surveillance technologies. The Surveillance Impact Review included in the attachments, as required by the Surveillance Ordinance, includes a Racial Equity Toolkit review adapted for this purpose.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

No.

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

No.

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?

There is no new initiative or programmatic expansion associated with this legislation. It approves the continuation of use for the specific technology under review.

April 29, 2021

MEMORANDUM

To: Transportation and Utilities Committee
From: Lise Kaye, Analyst
Subject: Council Bill 120054 - Authorizing approval of uses and accepting the surveillance impact report for the Seattle Police Department's use of Situational Awareness Cameras

On Wednesday, May 5, 2021 the Transportation and Utilities Committee will discuss [Council Bill \(CB\) 120054](#). The bill is intended to meet the requirements of [Seattle Municipal Code Chapter 14.18](#), Acquisition and Use of Surveillance Technologies.¹ (Attachment 1 to this memo summarizes these requirements and process by which the Executive develops the required Surveillance Impact Reports.) CB 120054 would approve the Seattle Police Department's (SPD's) continued use of existing Situational Awareness Cameras and accept the Surveillance Impact Report (SIR) and an Executive Overview for this technology. The Executive Overview summarizes the operational policy statements which represent SPD's allowable uses of the Situational Awareness Cameras.

This memo describes the Situational Awareness Cameras and summarizes potential civil liberties impacts, potential disparate impacts on historically targeted communities and vulnerable populations, and the public engagement process, as reported in the SIR. It also summarizes key concerns and recommendations from the Community Surveillance Working Group's Impact Assessment and the Chief Technology Officer's response ("CTO's Response) to the Impact Assessment. Finally, the memo identifies several policy issues for Council consideration.

Situational Awareness Cameras

SPD's SWAT (special weapons and tactics) team uses Situational Awareness Cameras to covertly assess potentially dangerous situations from a safe location. SPD uses four types of Situational Awareness Cameras to monitor an identified subject or watch an area of concern while positioned from a safe distance away:

- Robot Mounted Cameras: remote controlled, 360-degree optical cameras with a range of approximately 200 meters;
- Pole Cameras: mounted to poles or extenders, may be extended to approximately 20-feet. Send images to user's handheld remote monitor;
- Placeable Cameras: small, portable cameras that send images to the user's handheld remote monitor; and
- Throwable Cameras: rugged cameras that send images to the user's handheld remote monitor.

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

None of the images transmitted by these cameras are stored or recorded by the camera equipment or the handheld monitor. SWAT officers decide to use these cameras on a case-by-case basis. However, if SPD plans to use the camera inside a protected area, such as in a person's home or property, SPD will obtain a signed search warrant from a judge, absent exigent circumstances.²

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 highlight and mitigate impacts on racial equity from the use of the technology. The RET for the SPD's use of Situational Awareness Cameras identifies a civil liberties risk that innocent members of the community could fall under surveillance by covert use of the cameras. SPD mitigates this risk by obtaining a warrant for the cameras' use in non-public areas and the risk is further mitigated by the fact that cameras are used during events in which the SWAT Unit has responded to a call for police service.

The SIR also identifies data sharing, storage and retention as having the potential to contribute to structural racism, thereby creating a disparate impact on historically targeted communities.³ SPD mitigates this risk through policies regarding the dissemination of data in connection with criminal prosecutions, the [Washington Public Records Act](#), and other authorized researchers. In addition, [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. The RET does not identify metrics to be used as part of the CTO's annual equity assessments.⁴

Public Engagement

The Executive accepted public comments on this technology from October 7 – November 7, 2020 and conducted one public meeting for this and the other two "Group 3" SIRs on October 28, 2020. The SIR includes all comments pertaining to this technology received from members of the public (Appendix C), and letters from organizations or commissions (Appendix D). The SIR includes comments submitted in four online responses and one letter. They express concern about SPD's use of the technology in a transparent and fair way, the lack of technical and procedural safeguards around the use of the technology, the need to record all video and sound feeds for police accountability, and potentially poor resolution of images. One response identified value in the technology from enhanced viewing capabilities. One response also detailed concerns about the duration and structure of the public engagement process for the Group 3 Technologies.

² While not defined in SPD's Operations Manual, Cornell Law School's [Legal Information Institute](#) states that "Exigent circumstances are exceptions to the general requirement of a warrant under the Fourth Amendment searches and seizures," and provides the following definition: "circumstances that would cause a reasonable person to believe that entry (or other relevant prompt action) was necessary to prevent physical harm to the officers or other persons, the destruction of relevant evidence, the escape of the suspect, or some other consequence improperly frustrating legitimate law enforcement efforts."

³ Historical community or department practices could produce data that would portray certain communities as higher in crime than in other neighborhoods or elevate the involvement in potential criminal events by certain demographic groups. An approach to storage, retention, and integration of these data that was not cognizant of these possibilities might allow for the continuation of these perceptions, with potential disparate enforcement responses.

⁴ [SMC 14.18.050B](#) requires that the CTO produce and submit to the City Council a Surveillance Technology Community Equity Impact Assessment and Policy Guidance Report that addresses whether Chapter 14.18 of the SMC is effectively meeting the goals of the Race and Social Justice Initiative.

Privacy and Civil Liberties Impact Assessment

The Impact Assessment prepared by the Community Surveillance Working Group (“Working Group) identified three major issues, including the need for additional policy language to define valid “purposes of use,” unclear capabilities of the Situational Awareness Cameras, and unclear technical and procedural safeguards to prevent improper viewing, collection, and storage of images.

Key Concerns and the CTO’s Response. Table 1 summarizes the CTO’s Response to each of the Working Group’s major issues. The Response finds that “policy, training and technology limitations enacted by SPD provide adequate mitigation for the potential privacy and civil liberties concerns raised by the Working Group about the use of this important operational technology.”

Table 1. CTO Response to Privacy and Civil Liberties Impact Assessment of SPD’s use of Situational Awareness Cameras

Working Group Key Concern	CTO Response
1. Inadequate policies defining purpose of use	Use of situational cameras and restrictions on recording are governed by the policy and procedure outlined in the SIR and the process established by SMC 14.18 , as well as SMC 14.12 , the Intelligence Ordinance, which is incorporated into SPD Policy 6.060 .
2. Camera capabilities beyond specified purpose of use	No images or data are collected, stored, or retained by any situational awareness camera used by SPD. Note: the CTO’s Response to the Working Group’s Impact Assessment of Video Recording Systems states that “features such as facial recognition are not in use by any system in SPD.”
3. Safeguards to prevent improper viewing, collection, and storage of images	No images or data are collected, stored, or retained by any situational awareness camera used by SPD. Use of situational cameras and restrictions on recording is also governed by SMC 14.12 , the Intelligence Ordinance, which is incorporated into SPD Policy 6.060 .

Recommendations. The Impact Assessment recommends that Council at via ordinance “clear and enforceable rules that ensure, the following:

1. **SPD must abide by a specific and restricted purpose of use:** The ordinance should define a specific purpose of use for Situational Awareness Cameras used by SPD, and any use must be restricted to that specific purpose.
2. **SPD must not use any Situational Awareness Cameras that have capabilities beyond what is strictly necessary to fulfill the purpose of use defined by the ordinance.** The ordinance should prohibit SPD from using cameras that have facial recognition or recording capabilities.
3. **SPD must adopt technical and procedural safeguards to prevent misuse of the Situational Awareness Cameras.** The ordinance should require SPD adopt safeguards that prevent use of the cameras or the footage streamed from the cameras for purposes beyond what is defined in the ordinance.”

Table 2 describes how the SIR as drafted would address these three recommendations. Areas not fully addressed are included in the “Policy Considerations” section on page five.

Table 2. Working Group Recommendations Addressed in the SIR

Working Group Recommendation	Whether/How Addressed in SIR
<p>1. Define the specific purpose of use for Situational Awareness Cameras, and restrict use to that specific purpose</p>	<p>Executive Overview. Operational Policies represent the only allowable uses of the equipment and data collected by this technology. However, the SIR does not identify any policies that specify the appropriate application of these cameras, other than to reference in 5.0 that all members of SWAT are trained in their use and appropriate application. <i>See Policy Consideration #2.</i></p>
<p>2. Prohibit use of situational cameras that have capabilities beyond what is strictly necessary to fulfill the purpose of use as defined by the ordinance. Prohibit SPD from using cameras that have facial recognition or recording capabilities.</p>	<p>SIR restricts certain uses of cameras but does not restrict acquisition of cameras to certain specifications. <i>See Policy Consideration #3.</i></p>
<p>3. Adopt technical and procedural safeguards to prevent misuse of the Situational Awareness Cameras. Prevent use of cameras or use of footage streamed from the cameras for purposes beyond what is defined in the ordinance.</p>	<p>1.1. SPD does not record, store, or retain any of the images captured by these camera technologies. Note: subsequent references (2.3 and ff) throughout the SIR state that “No images or data are collected, stored, or retained by any situational awareness camera used by SPD,” but this does not specifically preclude downloading or streaming images to a different device. <i>See Policy Consideration #4.</i></p> <p>3.2 and ff. SPD must obtain a signed warrant prior to using these cameras in protected areas. Use of situational cameras and restrictions on recording is also governed by SMC 14.12, the Intelligence Ordinance, which is incorporated into SPD Policy 6.060.</p>

Policy Considerations

Central Staff has identified the following potential policy considerations. All but the first one, which addresses missing equity assessment metrics, pertain to the Working Group's key concerns and recommendations:

1. Annual equity assessment metrics. SFD has not yet finalized metrics to be used in evaluating the Situational Awareness Cameras as part of the CTO's annual equity assessments. These assessments are intended to play a key role in determining whether the City's surveillance legislation is meeting the goals of the Race and Social Justice Initiative.

Options:

- A. Council may wish to request a report on the proposed equity assessment metrics by a date certain.
 - B. Council may wish to defer approval of this SIR, pending completion of these metrics.
 - C. Take no action.
2. Use and appropriate application. The SIR does not define the appropriate application of Situational Awareness Cameras, other than that all members of SWAT are trained in their use and appropriate application.

Options:

- A. Council may wish to request a report on parameters governing SPD's use of Situational Awareness Cameras by a date certain.
 - B. Council may wish to defer approval of this SIR, pending completion of SPD policies governing SPD's use of Situational Awareness Cameras
 - C. Take no action.
3. Acquisition of cameras with prohibited capabilities. SPD does not have policies that limit acquisition of situational cameras to those that do not have facial recognition or recording capabilities.

Options:

- A. Council may wish to request SPD to report back by a date certain on the availability of cameras with more limited functionality.
 - B. Take no action.
4. Technical and procedural safeguards. The SIR does not specifically prohibit downloading or streaming images to a different device.

Options:

- A. Council may wish to ask SPD to report back by a date certain on the feasibility of enhanced technical and procedural safeguards that would further prevent downloading and/or sharing of digital imagery or audio.
- B. Take no action.

Committee Action

Options for Council action are as follows:

1. Pass CB 120054 as transmitted;
2. Request Central Staff to prepare amendments to the Council Bill and/or to the SIR to address additional concerns or issues; or
3. Take no action.

Attachment:

1. Background Summary and Surveillance Impact Report Process

cc: Dan Eder, Interim Director
Aly Pennucci, Budget and Policy Manager

Attachment 1 - Background Summary and Surveillance Impact Report Process

Recent Legislative History

[Ordinance 125376](#), passed by Council on July 31, 2017, required City of Seattle departments intending to acquire surveillance technology to obtain advance Council approval, by ordinance, of the acquisition and of a surveillance impact report (SIR).¹ Departments must also submit a SIR for surveillance technology in use when Ordinance 125376 was adopted (referred to in the ordinance as “retroactive technologies”). The Executive originally included 28 “retroactive technologies,” on its [November 30, 2017 Master List](#) but revised that list to 26 in [December 2019](#). The Council has approved two SIRs and twice extended the initial March 3, 2020 deadline for completion of SIRs for all 26 technologies: first by six months to accommodate extended deliberation of the first two SIRs; and then by a second six months due to COVID-related delays. Either the Chief Technology Officer or the Council may determine whether a specific technology is “surveillance technology” and thus subject to the requirements of SMC 14.18. Each SIR must describe protocols for a “use and data management policy” as follows:

- How and when the surveillance technology will be deployed or used and by whom, including specific rules of use
- How surveillance data will be securely stored
- How surveillance data will be retained and deleted
- How surveillance data will be accessed
- Whether a department intends to share access to the technology or data with any other entity
- How the department will ensure that personnel who operate the technology and/or access its data can ensure compliance with the use and data management policy
- Any community engagement events and plans
- How the potential impact of the surveillance on civil rights and liberties and potential disparate impacts on communities of color and other marginalized communities have been taken into account; and a mitigation plan
- The fiscal impact of the surveillance technology

Community Surveillance Working Group

On October 5, 2018, Council passed [Ordinance 125679](#), amending SMC 14.18, creating a “community surveillance working group” charged with creating a Privacy and Civil Liberties Impact Assessment for each SIR.² At least five of the seven members of the Working Group

¹ As codified in SMC 14.18.030, Ordinance 125376 identified a number of exemptions and exceptions to the required Council approval, including information voluntarily provided, body-worn cameras and cameras installed in or on a police vehicle, cameras that record traffic violations, security cameras and technology that monitors City employees at work.

² Ordinance 125679 also established a March 31, 2020 deadline for submitting SIRs on technologies already in use (referred to as “retroactive technologies”) when Ordinance 125376 was passed, with provision to request a six-month extension.

Attachment 1 - Background Summary and Surveillance Impact Report Process

must represent groups that have historically been subject to disproportionate surveillance, including Seattle’s diverse communities of color, immigrant communities, religious minorities, and groups concerned with privacy and protest.³ Each Privacy and Civil Liberties Impact Assessment must describe the potential impact of the surveillance technology on civil rights and liberties and potential disparate impacts on communities of color and other marginalized communities and will be included in the SIR. Prior to submittal of a SIR to Council, the Chief Technology Officer may provide a written statement that addresses privacy rights, civil liberty or other concerns in the Working Group’s impact assessment.

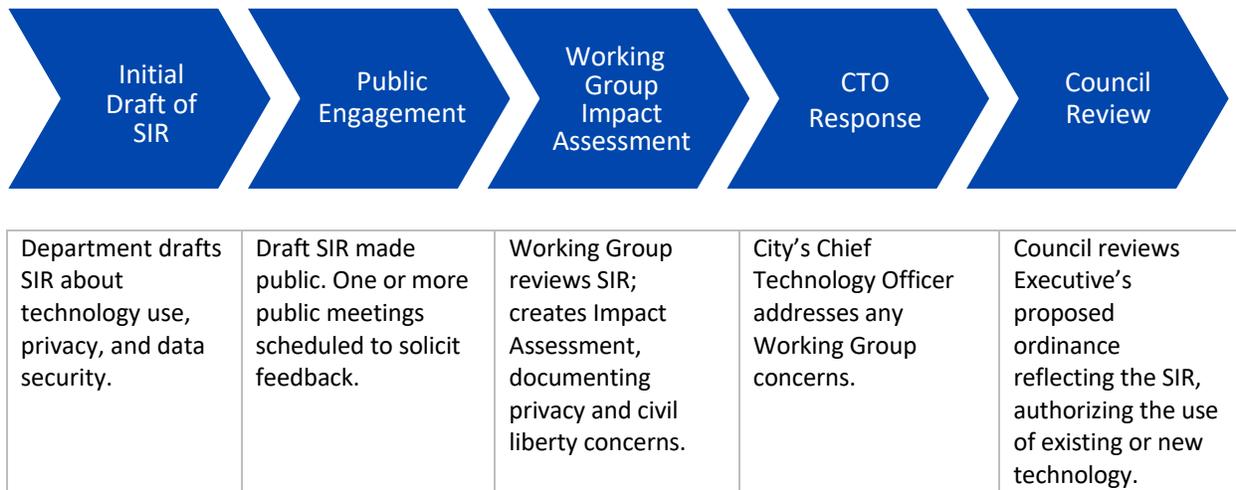
Executive Overviews

In May 2019, members of the Governance, Equity, and Technology Committee requested that IT staff prepare a summary section for each of the two lengthy SIR documents under review at that time. The Committee then accepted the resultant “Condensed Surveillance Impact Reports (CSIRs) together with the complete SIRs. The Executive has continued this practice with subsequent SIRs but has renamed the documents “Executive Overviews.” The Operational Policy Statements in the Executive Overview represent the only allowable uses of the subject technology.

SIR Process

Chart 1 is a visual of the SIR process from inception to Council Review:

Chart 1. Surveillance Impact Report (SIR) Process



³ The Mayor appoints four members and Council appoints three members.

Group 3 Surveillance Impact Reports (SIRs) CB 120053, CB 120054, & CB 120055

Transportation & Utilities Committee

May 5, 2021

Surveillance Impact Report (SIR) Overview

- 2017: [Ordinance 125376](#) took effect Sept 4th, revising the law to address the intended use of technologies with potential to impact civil liberties
- 2018: [Ordinance 125679](#) amended Ordinance 125376 and Chapter 14.18 of the Seattle Municipal Code and added external Community Surveillance Working Group
- 9/23/19: Group 1 SDOT SIR legislation passed ([Ordinance 125936](#))
- 1/20/21: Presented Overview of Surveillance Ordinance at the Transportation and Utilities Committee
- 1/26/21: Group 2 SIR legislation transmitted to City Clerk
- 2/22/21: Group 3 SIR legislation transmitted to City Clerk
- 3/03/21, 3/17/21, 4/07/21: Group 2 SIR briefing/discussion/vote at Transportation and Utilities Committee
- **3/22/21: Group 2 SCL & SFD SIR legislation passed ([Ordinance 126294](#) & [Ordinance 126295](#))**
- 4/12/21: Clerk filing of Group 4 SIR Extension Memo & Revised Master List of Surveillance Technologies
- **4/19/21: Group 2 SPD SIR legislation passed ([Ordinance 126311](#), [126312](#), [126313](#), [126314](#), [126315](#))**

28 total
technologies

Group	Depts.	28 Technologies		Council Bill	Status
Group 1 (2)	SDOT	<ul style="list-style-type: none"> License Plate Readers Closed Circuit Television Equipment "Traffic Cameras" 		CB 119519 CB 119519	Completed
Group 2 (9)	SCL SFD SPD	<ul style="list-style-type: none"> Binoculars/Spotting Scope Check Meter Device SensorLink Amp Fork Computer-Aided Dispatch 911 Logging Recorder Automated License Plate Reader Parking Enforcement Systems including Automated License Plate Reader Computer-Aided Dispatch CopLogic 		CB 120002 CB 120002 CB 120002 CB 120003 CB 120004 CB 120005 CB 120006 CB 120007 CB 120008	Completed
Group 3 (3)	SPD	<ul style="list-style-type: none"> Forward Looking Infrared Real-time video (FLIR) Situational Awareness Cameras Without Recording Video Recording Systems 		CB 120053 CB 120054 CB 120055	In Committee
Group 4A (7)	SFD SDOT SPD	<ul style="list-style-type: none"> Emergency Scene Cameras, Hazmat Camera Acyclica Audio Recording Systems, Callyo, I2 iBase, Maltego 			Est. August Est. August Est. December
Group 4B (7)	SPD	<ul style="list-style-type: none"> Camera systems; Tracking Devices; Remotely Operated Vehicles (ROVs); Hostage Negotiation Throw Phone; Crash Data Retrieval; GeoTime; Computer, cellphone and mobile device extraction tools 			Est. December

Group 3 SIR Public Engagement

- Group 3 Surveillance Technologies Public Meeting on 10/28/2020
- One Page Flyers
- Online Public Comment Meeting
 - Recorded and posted online

Engagement Method	(Approximate) Number of Individuals Participating	Number of Comments Received	Number of Questions Received
Public Meeting	15	-	15
Online Comments	38	38	-
Letters	1	1	-
Total	54	39	15

Group 3 SIR Technologies

Seattle Police Department

Seattle Police Department Mission

- Prevent crime;
- Enforce the law, and
- Support quality public safety by delivering respectful, professional and dependable police services.

Group 3 SIR Technologies

Group 3 Surveillance Impact Reports

- 1**

[CB 120053](#)
Forward Looking Infrared Real-time video (FLIR)

This technology provides a platform for aerial photography and digital video of large outdoor locations (e.g., crime scenes and disaster damage, etc.) through King County Sheriff's Air Support Unit helicopters.
- 2**

[CB 120054](#)
Situational Awareness Cameras Without Recording

Portable cameras that allow officers to observe around corners or other areas during operations where officers need to see the situation before entering an area of concern.
- 3**

[CB 120055](#)
Video Recording Systems at SPD Facilities

These systems record events that take place in a Blood Alcohol Collection (BAC) Room, precinct holding cells, interview, and lineup rooms.

Forward Looking Infrared Real-Time Video (FLIR)

What is the technology?

- Two King County Sheriff's Office helicopters with Forward Looking Infrared (FLIR) send a real-time video feed of ongoing events to commanders on the ground.
- This technology provides a platform for aerial photography and digital video of large outdoor locations (e.g., crime scenes and disaster damage, etc.).

Why do we use the technology?

- Rapid response to crime or disaster scenes.
- Provides a bird's eye view of events happening on the ground.
- FLIR technology allows for subjects to be detected even when obscured by haze or darkness.



FLIR – How It Works

- King County Sheriff's Air Support Unit is operated by the King County Sheriff's Office and is available to assist the Seattle Police Department at no charge through the Puget Sound Regional Aviation Project and the Seattle Urban Area Security Initiative (UASI).
- FLIR systems use heat emitted by subjects and objects to provide enhancement to images of active scenes.
- The FLIR systems cannot see into homes or other structures.



FLIR – Policies Governing Use

- King County Sheriff's Office Air Support Unit (SPD Policy 16.060)
- Evidence (SPD Policy 7.090)
- Access to criminal justice information and records (SPD policies 12.050 and 12.080)
- Use of department email and internet (SPD Policy 12.110)
- Use of cloud storage services (SPD policy 12.111)
- <http://www.seattle.gov/police-manual>

Situational Awareness Cameras Without Recording

What is the technology?

- Portable cameras that allow officers to observe around corners or other areas during tactical operations where officers need to see the situation before entering an area of concern. These may be lowered or thrown into position, attached to a hand-held pole and extended around a corner or into an area. The cameras contain wireless transmitters that send images to officers.

Why do we use the technology?

- SPD's tactical units use situational awareness cameras to assess potentially dangerous situations from a safe location.
- These cameras allows SPD to view surroundings and gain additional information prior to entering a location, providing additional safety and security to SPD personnel, the subjects of the observation, and other members of the community.



Situational Awareness Cameras Without Recording – How They Work

- Only members of SWAT are authorized to use this equipment and are specifically trained in their use.
- These cameras may be lowered or thrown into position, attached to a hand-held pole and extended around a corner or into an area. The cameras contain wireless transmitters that send images to nearby officers.
- No recordings are made using these cameras.



Situational Awareness Cameras Without Recording – Policies Governing Use

- Bias-Free Policing (SPD Policy 5.140)
- Standards and Duties (SPD Policy 5.001)
- Specialty Vehicles & Equipment (SPD policies 13.060)
- <http://www.seattle.gov/police-manual>

Video Recording Systems at SPD Facilities

What is the technology?

- SPD has two camera systems used to record and/or monitor members of the public within specific, secure locations in SPD facilities.
- These systems record events that take place in a Blood Alcohol Collection (BAC) Room, precinct holding cells, interview, and lineup rooms.

Why do we use the technology?

- Create visual record of activities in the interview rooms, BAC rooms, and precinct holding cells.
- Prevents disputes about how interviews are conducted or how suspects, victims, and witnesses are treated.
- Enhances SPD accountability in the community and enhances confidence in SPD practices.



Video Recording Systems at SPD Facilities – How It Works

- The **Genetec Video Management System** includes camera and microphone equipment that is permanently installed in the interview rooms on the 6th and 7th floors of SPD Headquarters.
- The **Milestone Video Management Software and Products** consist of cameras located in BAC rooms and precinct holding cells throughout SPD's facilities.
- Signage informs employees and members of the public that camera and recording devices are present.



Video Recording Systems at SPD Facilities – Recording Data Storage

Genetec (Interview Rooms)

- After an interview is conducted the recording of the interview is copied to a high-quality evidence grade DVD+R disc. This evidence-grade disc is then submitted into the SPD Evidence Section as a standard item of evidence. Standard evidence retention rules are then followed

Milestone (BAC Rooms and Precinct Holding Cells)

- The recordings are made by the Milestone system. A request by an authorized party (Homicide, OPA, OIG, etc.) for specific footage is made for criminal or internal investigations. The recordings are held for a minimum of 120 and a maximum of 217 days unless used as evidence in a particular case.

Video Recording Systems at SPD Facilities – Policies Governing Use

- Recorded Statements (SPD Policy 7.110)
- Evidence (SPD Policy 7.090)
- Use of department-owned devices/software (SPD Policy 12.040)
- Access to criminal justice information and records (SPD policies 12.050 and 12.080)
- Use of department email and internet (SPD Policy 12.110)
- Use of cloud storage services (SPD policy 12.111)
- <http://www.seattle.gov/police-manual>

Questions

Appendix



Surveillance Criteria

Definition: *Technology whose primary purpose is 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

- Consents to provide the data
- Opt-out notice
- Body-worn cameras
- Police vehicle cameras
- Cameras installed pursuant to state law...or to record traffic violations
- Security cameras
- City infrastructure protection cameras
- Technology that monitors only City employees

Inclusions

- Disparately impacts disadvantaged groups
- PII shared with non-City entities that will use the data for a purpose other than providing the City with a contractually agreed-upon service
- Collects data that is personally identifiable even if obscured, de-identified, or anonymized after collection
- Raises reasonable concerns about impacts to civil liberty, freedom of speech or association, racial equity, or social justice

Surveillance Impact Report (SIR) Process

- Submitted for all retroactive and newly proposed technologies that meet the definition and have no exclusion criteria
- Created by the Departments with project management from IT

1

Privacy Impact Assessment

2

Financial Information

3

Racial Equity Toolkit

4

Public Engagement Comments and Analysis

5

Privacy and Civil Liberties Impact Assessment

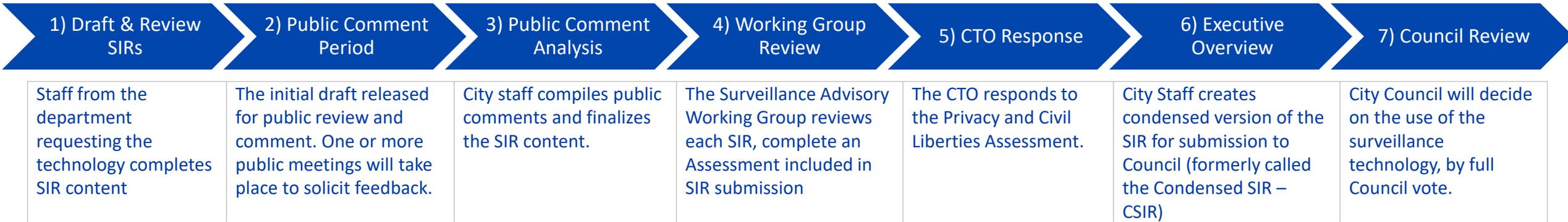
6

CTO Response

7

Appendices & Supporting Documentation

General SIR Creation Timeline





SEATTLE CITY COUNCIL
CENTRAL STAFF

Group 3 Surveillance Impact Reports

LISE KAYE, COUNCIL CENTRAL STAFF

TRANSPORTATION AND UTILITIES COMMITTEE | MAY 5, 2021

Proposed Council Bills – Today's Agenda

- **CB 120053: Forward Looking Infrared Real-Time Video**
(with King County Sheriff's Office helicopters)
- **CB 120054: Situational Awareness Cameras**
(without recording)
- **CB 120055: Video Recording Systems**

Elements to Consider

- Purpose and Use of Each Technology
- Civil Liberties and Potential Disparate Impacts on Historically Marginalized Communities - Racial Equity Toolkit
- Public Engagement
- Surveillance Working Group's Privacy and Civil Liberties Impact Assessment
- Chief Technology Officer's Response

Elements to Consider

- Policy Considerations
 - Surveillance Working Group's key concerns and recommendations
 - Incomplete information in a SIR
 - Legal and logistical parameters

CB 120053: Forward Looking Infrared Real-Time Video

- SPD may request helicopter support from the King County Sheriff's Office for:
 - Tracking movement of crime suspects
 - Situational awareness of disaster scenes

Forward Looking Infrared Real-Time Video

- Civil Liberties and Potential Disparate Impacts
 - Risk of acquisition of private information about third parties
 - Risk of disproportionate surveillance of vulnerable or historically targeted communities
 - Data sharing, storage and retention could contribute to structural racism
- Public comments: concern about use against protesters and people of color; disproportionate use in neighborhoods

Forward Looking Infrared Real-Time Video

- Impact Assessment issues:
 - Allowable uses
 - Data collection, storage and protection
 - Privacy of individuals unrelated to an investigation
 - Lack of historical deployment data
- CTO's Response: SIR generally addresses each concern; CTO provided 2018 KCSO helicopter deployment data from 2018

Forward Looking Infrared Real-Time Video

- Policy Considerations
 - Annual equity assessment metrics
 - Policies and/or criteria for requesting assistance from KCSO Air Support Unit

CB 120054: Situational Awareness Cameras

- Used by SWAT to covertly assess potentially dangerous situations from a safe location:
 - Robot mounted cameras
 - Pole cameras
 - Placeable cameras
 - Throwable cameras

Situational Awareness Cameras

- Civil Liberties and Potential Disparate Impacts
 - Potential surveillance of innocent members of the community
 - Data sharing, storage and retention could contribute to structural racism
- Public comments: need for transparent and fair use, lack of technical and procedural safeguards, the need to record all video and sound feeds for police accountability, and potentially poor resolution of images

Situational Awareness Cameras

- Impact Assessment issues:
 - Allowable uses
 - Capabilities beyond allowed use
 - Safeguards to protect improper viewing, collection, and storage of images
- CTO's Response: SFD's policy and training and limitations of the technology provide adequate mitigation for Working Group concerns

Situational Awareness Cameras

- Policy Considerations
 - Annual equity assessment metrics
 - Use and appropriate application
 - Acquisition of cameras with prohibited capabilities
 - Technical and procedural safeguards – downloading or streaming

CB 120055 – Video Recording Systems

- Genetec Video Management System
 - Audio and video recording of interactions with and interviews of crime victims, witnesses and suspects in interview rooms
 - Video-only monitoring of individuals in interview rooms when no SPD detective is present
- Milestone Systems
 - Continuous recording of activity in blood alcohol collection rooms and precinct holding cells

Video Recording Systems

- Civil Liberties and Potential Disparate Impacts
 - Personally identifiable and potentially sensitive personal information on video or audio recordings
 - Could over-surveil vulnerable or historically targeted communities
 - Data sharing, storage and retention could contribute to structural racism
- Public comments: need for transparent and fair use, system security , potential system add-ons, camera operations

Video Recording Systems

- Impact Assessment issues:
 - System capabilities
 - Data collection, storage and protection
 - Allowable uses

Video Recording Systems

- CTO's Response:
 - System capabilities: Outlined in the SIR. Facial recognition features are not in use by any system in SPD. As of July 2021, Chapter 43.386 RCW will regulate use of a facial recognition service
 - Data collection, storage and protection: outlined in the SIR
 - Allowable uses: Outlined in the SIR. Governed by SPD Policy 7.110 –Recorded Statements.

Video Recording Systems

- Policy Considerations
 - Annual equity assessment metrics

CB 120054 PROPOSED AMENDMENT 1

Amendment Name: SPD Situational Awareness Cameras Equity Metrics

Sponsor: Councilmember Pedersen

Effects Statement: Requests the Seattle Police Department to report no later than the end of the 4th quarter of 2021 on the metrics provided to the Chief Technology Officer for use in annual equity assessments of the Situational Awareness Cameras surveillance technology.

Proposed Amendment:

Insert a new Section after Section 1 of Council Bill 120054 as follows and renumber sections accordingly:

Section 1. Pursuant to Ordinances 125376 and 125679, the City Council approves use of the Seattle Police Department's Situational Awareness Cameras Without Recording and accepts the 2020 Surveillance Impact Report (SIR) for this technology, attached to this ordinance as Attachment 1, and the 2020 Executive Overview for the same technology, attached to this ordinance as Attachment 2.

Section X. The Council requests the Seattle Police Department to report no later than the end of the fourth quarter of 2021 on the metrics provided to the Chief Technology Officer for use in the annual equity assessments of the Situational Awareness Cameras technology.

CB 120054 PROPOSED AMENDMENT 2

Amendment Name: Situational Awareness Cameras Purpose and Use Policies

Sponsor: Councilmember Herbold

Effects Statement: Requests the Seattle Police Department to develop a policy or policies no later than the end of the 4th quarter of 2021 defining the purpose and only allowable uses of Situational Awareness Cameras.

Proposed Amendment:

Insert a new Section after Section 1 of Council Bill 120054 as follows and renumber sections accordingly:

Section 1. Pursuant to Ordinances 125376 and 125679, the City Council approves use of the Seattle Police Department's Situational Awareness Cameras Without Recording and accepts the 2020 Surveillance Impact Report (SIR) for this technology, attached to this ordinance as Attachment 1, and the 2020 Executive Overview for the same technology, attached to this ordinance as Attachment 2.

Section X. The Council requests the Seattle Police Department to develop a policy or policies no later than the end of the 4th quarter of 2021 defining the purpose and only allowable uses of Situational Awareness Cameras Without Recording, included but not limited to restrictions on downloading or streaming images from a Situational Awareness Camera.

CB 120054 PROPOSED AMENDMENT 3

Amendment Name: Situational Awareness Cameras Capabilities

Sponsor: Councilmember Herbold

Effects Statement: Requests the Seattle Police Department to develop a policy or policies no later than the end of the 4th quarter of 2021 prohibiting by a date certain procurement of Situational Awareness Cameras equipped with facial recognition or recording capabilities.

Proposed Amendment:

Insert a new Section after Section 1 of Council Bill 120054 as follows and renumber sections accordingly:

Section 1. Pursuant to Ordinances 125376 and 125679, the City Council approves use of the Seattle Police Department's Situational Awareness Cameras Without Recording and accepts the 2020 Surveillance Impact Report (SIR) for this technology, attached to this ordinance as Attachment 1, and the 2020 Executive Overview for the same technology, attached to this ordinance as Attachment 2.

Section X. The Council requests the Seattle Police Department to develop a policy or policies no later than the end of the 4th quarter of 2021 prohibiting, by a date certain, procurement of situational awareness cameras equipped with facial recognition or recording capabilities.



Legislation Text

File #: CB 120055, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to surveillance technology implementation; authorizing approval of uses and accepting the 2020 surveillance impact report and 2020 executive overview for the Seattle Police Department's use of Video Recording Systems.

WHEREAS, Section 14.18.020 of the Seattle Municipal Code (SMC), enacted by Ordinance 125376, requires City Council approval of a surveillance impact report (SIR) related to uses of surveillance technology, with existing/retroactive technology to be placed on a Master Technology List; and

WHEREAS, SMC 14.18.020 applies to the Video Recording Systems in use by the Seattle Police Department; and

WHEREAS, the Seattle Police Department conducted policy rule review and community review as part of the development of the SIR; and

WHEREAS, SMC 14.18.080, enacted by Ordinance 125679, provides for the Community Surveillance Working Group, composed of relevant stakeholders, to complete a privacy and civil liberties impact assessment for each SIR, and SMC 14.18.020 allows for a statement from the Chief Technology Officer in response to the Working Group's privacy and civil liberties impact assessment; and

WHEREAS, development of the SIR, review by the Working Group and the Chief Technology Officer's response has been completed; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Pursuant to Ordinances 125376 and 125679, the City Council approves use of the Seattle Police Department's Video Recording Systems and accepts the 2020 Surveillance Impact Report (SIR) for this

technology, attached to this ordinance as Attachment 1, and the 2020 Executive Overview for the same technology, attached to this ordinance as Attachment 2.

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

Passed by the City Council the _____ day of _____, 2021, and signed by me in open session in authentication of its passage this _____ day of _____, 2021.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2021.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2021.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachment 1 - 2020 Surveillance Impact Report: Video Recording Systems

Attachment 2 - 2020 Surveillance Impact Report Executive Overview: Video Recording Systems



2020 Surveillance Impact Report

Video Recording Systems

**(Interview, Blood-Alcohol Collection Room,
and Precinct Holding Cell Audio)**

Seattle Police Department

Surveillance Impact Report (“SIR”) Overview	3
Privacy Impact Assessment	4
Financial Information	20
Expertise and References	22
Racial Equity Toolkit (“RET”) and Engagement for Public Comment Worksheet	24
Privacy and Civil Liberties Assessment	30
CTO Response	32
Appendix A: Glossary	37
Appendix B: Meeting Notice(s)	39
Appendix C: All Comments Received from Members of the Public	40
Appendix D: Letters from Organizations or Commissions	49
Appendix E: CTO Notification of Surveillance Technology	58

Surveillance Impact Report (“SIR”) Overview

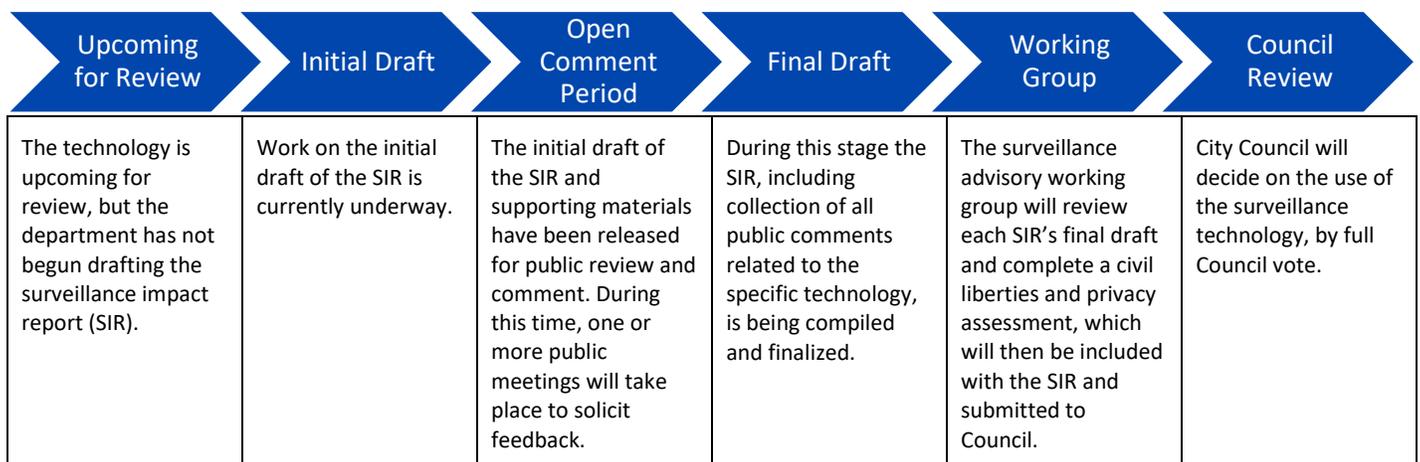
About the Surveillance Ordinance

The Seattle City Council passed ordinance [125376](#), also referred to as the “Surveillance Ordinance”, on September 1, 2017. This ordinance has implications for the acquisition of new technologies by the City, and technologies that are already in use that may fall under the new, broader definition of surveillance.

SMC 14.18.020.B.1 charges the City’s executive with developing a process to identify surveillance technologies subject to the ordinance. Seattle IT, on behalf of the executive, developed and implemented a process through which a privacy and surveillance review is completed prior to the acquisition of new technologies. This requirement, and the criteria used in the review process, are documented in Seattle IT Policy PR-02, the “Surveillance Policy”.

Surveillance Ordinance Review Process

The following is a high-level outline of the complete SIR review process.



Privacy Impact Assessment

Purpose

A Privacy Impact Assessment (“PIA”) is a method for collecting and documenting detailed information collected in order to conduct an in-depth privacy review of a program or project. A PIA asks questions about the collection, use, sharing, security and access controls for data that is gathered using a technology or program. It also requests information about policies, training and documentation that govern use of the technology. The PIA responses are used to determine privacy risks associated with a project and mitigations that may reduce some or all of those risks. In the interests of transparency about data collection and management, the City of Seattle has committed to publishing all PIAs on an outward facing website for public access.

When is a Privacy Impact Assessment Required?

A PIA may be required in two circumstances.

- 1) When a project, technology, or other review has been flagged as having a high privacy risk.
- 2) When a technology is required to complete the surveillance impact report process. This is one deliverable that comprises the report.

1.0 Abstract

1.1 Please provide a brief description (one paragraph) of the purpose and proposed use of the project/technology.

SPD has two camera systems used to record and/or monitor members of the public within specific, secure locations in SPD facilities.

The first is the Genetec Video Management System. It is a permanently installed, non-mobile unconcealed audio and video recording system primarily used to record in-person interactions with and interviews of crime victims, witnesses, and suspects in 7 designated interview rooms located at the SPD headquarters in the Seattle Justice Center. The system also provides a live video-only view of these interview rooms. The video-only live view is used to monitor, short term, members of the community who are in the interview rooms when no SPD detective is present. This system is used to create a video record of interviews for the purposes of use in criminal justice proceedings.

The second is Milestone Systems XProtect Video Management Software and Products. These are permanently installed in SPD’s Blood Alcohol Collection (BAC) rooms and precinct holding cells. They record continuously all activity in those locations.

1.2 Explain the reason the project/technology is being created or updated and why the PIA is required.

These technologies are used to record members of the public who are being interviewed or having their blood alcohol levels tested or are placed in precinct holding cells. If used out of policy, improperly, or without proper notification, this technology could potentially be used to make recordings that infringe on public privacy.

2.0 Project / Technology Overview

Provide an overview of the project or technology. The overview gives the context and background necessary to understand the purpose, mission and justification for the project / technology proposed

2.1 Describe the benefits of the project/technology.

Though the state of Washington is not one of the 26 states that requires the recording of custodial interrogations, many law enforcement agencies and criminal justice system watchdogs, such as the Innocence Project, highly recommend the practice. Benefits include: preventing disputes about how an officer conducted the interview or treated a suspect or victim; creating a record of statements made by a suspect that may capture subtle details missed in real-time; reducing false confessions; and enhancing public confidence in the practices of SPD. Creating a visual record of activities that occur within the BAC rooms and precinct holding cells also provides a measure of accountability for both SPD and involved community members.

2.2 Provide any data or research demonstrating anticipated benefits.

According to The Justice Project, “the virtue of electronic recording of custodial interrogations... lies not only in its ability to help guard against false confessions, but also in its ability to develop the strongest evidence possible to help convict the guilty.”
([https://web.williams.edu/Psychology/Faculty/Kassin/files/Justice%20Project\(07\).pdf](https://web.williams.edu/Psychology/Faculty/Kassin/files/Justice%20Project(07).pdf))

2.3 Describe the technology involved.

The Genetec Video Management System includes camera and microphone equipment that is permanently installed in the interview rooms on the 6th and 7th floors of SPD Headquarters, a physical server located at SPD HQ, two dedicated computer workstations located in the detectives’ work area at SPD HQ, and video-only monitors located throughout the detectives’ work area and detective supervisors’ offices at SPD HQ.

The Milestone Video Management Software and Products consist of cameras located in BAC rooms and precinct holding cells throughout SPD’s facilities. A dedicated server is located at each of these secure locations which stores the video and audio information from the Milestone cameras.

2.4 Describe how the project or use of technology relates to the department's mission.

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. The video and audio recording of victim, witness, and suspect interviews aids investigations and prosecutions of crimes as well as enhances public confidence in the practices of SPD.

2.5 Who will be involved with the deployment and use of the project / technology?

All SPD investigative units which include: Homicide, Robbery, Gang Unit, Intelligence, Special Assault Unit, Domestic Violence Unit, Arson-Bomb Squad, Major Crimes, Auto Theft, Vice & Human Trafficking. All SPD precinct employees tasked with the collection of blood alcohol levels and holding of subjects in precinct holding cells.

Additionally, SPD Video Unit staff, and certain backgrounded and qualified Seattle IT personnel are also involved in the support of the Video Management Systems.

3.0 Use Governance

Provide an outline of any rules that will govern the use of the project / technology. Please note: non-City entities contracting with the City are bound by restrictions specified in the surveillance ordinance and privacy principles and must provide written procedures for how the entity will comply with any restrictions identified.

3.1 Describe the processes that are required prior to each use, or access to/ of the project / technology, such as a notification, or check-in, check-out of equipment.

Genetec (Interview rooms): The detective(s) conducting the interview activates the recording system for the appropriate room with a manual switch. The detective then advises the interview subject of the audio recording acquiring implied consent, or explicitly asks for permission to record per [SPD Policy 7.110 – Recorded Statements](#). At the conclusion of the interview or blood draw, or when the subject leaves the room, the recording is terminated by the detective or officer. The detective then exports the recording from the server on one of the two designated computer work stations and creates a copy of the recording for permanent storage on a special high-quality evidence grade DVD+R disc. This evidence grade disc is then submitted into the SPD Evidence Section as a standard item of evidence.

Milestone (BAC rooms and precinct holding cells): The Milestone systems is continuously recording in the BAC rooms and precinct holding cells. In the event that an investigator (including SPD internal investigations) needs to view the video, a request must be made to the SPD Video Unit who will locate the specific time and location video requested and provide the investigator with a DVD containing the file.

3.2 List the legal standards or conditions, if any, that must be met before the project / technology is used.

Signage is clearly posted in all SPD precincts indicating that audio and video surveillance is in progress. These signs are posted both at the entrances to holding cells and inside holding cells and blood alcohol collection areas.





Consent is required before these technologies may be used. **RCW 9.73.030 Intercepting, recording or divulging private communication – Consent required – Exceptions.** Also known as “All party consent”. Standard procedure dictates that interview subjects are always advised of the presence of the recording or asked for their permission to record. Any recording made of an interview subject without consent would be inadmissible and could possibly subject the SPD personnel to an internal conduct assessment and possibly criminal charges.

Per [SPD Policy 7.110 – Recorded Statements](#):

When taking an audio recorded statement, the officer/detective:

1. **States** at the beginning of the recording:

Officer's name and includes, "of the Seattle Police Department"

Report Number

Date and time of the recording

The name of the interviewee

All persons present during the interview

2. **Asks** the person to respond to the question, "Are you aware you are being recorded?"

3. **If** the person is in custody, **gives** Miranda warning.

4. **Asks** the person to state their full name.

5. **Conducts** the interview.

6. After the interview, **if** the person is a victim, witness or complainant, **asks** the person:

Do you declare under penalty of perjury under the laws of Washington what you have stated in this statement is true and correct?

Do you wish to have your personal information Disclosed or Not Disclosed?

7. **Announces** the end of the recording with the date and time.

8. **Uploads** the audio statement to the Digital Evidence Management System (DEMS).

9. **Documents** the recorded statement in the appropriate report.

3.3 Describe the policies and training required of all personnel operating the project / technology, and who has access to ensure compliance with use and management policies.

Operators of both the Genetec and Milestone video systems are sworn SPD personnel. Training on the use of these systems is provided in-house to all SPD users of this technology. All SPD employees are required to abide by all SPD policies, including [SPD Policy 7.110 – Recorded Statements](#) which is directly related to the use of video recording equipment.

4.0 Data Collection and Use

Provide information about the policies and practices around the collection and use of the data collected.

4.1 Provide details about what information is being collected from sources other than an individual, including other IT systems, systems of record, commercial data aggregators, publicly available data and/or other City departments.

These technologies record only the images and sounds that occur during an SPD interview of a witness, victim, or suspect, and activity in BAC rooms and precinct holding cells.

4.2 What measures are in place to minimize inadvertent or improper collection of data?

These technologies record only the images and sounds that occur during an SPD interview of a witness, victim, or suspect, and activity in BAC rooms and precinct holding cells. These technologies are permanently mounted and do not record any information outside of these parameters.

4.3 How and when will the project / technology be deployed or used? By whom? Who will determine when the project / technology is deployed and used?

Genetec (Interview rooms): The detective(s) conducting the interview activates the recording system for the appropriate room with a manual switch. The detective then advises the interview subject of the audio recording acquiring implied consent, or explicitly asks for permission to record per [SPD Policy 7.110 – Recorded Statements](#). At the conclusion of the interview or blood draw, or when the subject leaves the room, the recording is terminated by the detective or officer. The detective then exports the recording from the server on one of the two designated computer workstations and creates a copy of the recording for permanent storage on a special high-quality evidence grade DVD+R disc. This evidence grade disc is then submitted into the SPD Evidence Section as a standard item of evidence.

Milestone (BAC rooms and precinct holding cells): The Milestone systems is continuously recording in the BAC rooms and precinct holding cells. In the event that an investigation (including SPD internal investigations) needs to view the video, a request must be made to the SPD Video Unit who will locate the specific time and location video requested and provide the investigator with a DVD containing the file.

4.4 How often will the technology be in operation?

The Genetec (interview rooms) system is used on a daily basis in the course of law enforcement activities. The Milestone system (BAC rooms and precinct holding cells) records these locations continuously.

4.5 What is the permanence of the installation? Is it installed permanently, or temporarily?

Both the Genetec and Milestone systems are permanently installed.

4.6 Is a physical object collecting data or images visible to the public? What are the markings to indicate that it is in use? What signage is used to determine department ownership and contact information?

The cameras for both the Genetec and Milestone systems are overtly mounted in the interview rooms at SPD Headquarters and inside BAC rooms and precinct holding cells.

4.7 How will data that is collected be accessed and by whom?

Genetec (interview rooms): After an interview is conducted, the detective accesses the recorded audio-video file that is stored on the Genetec server using proprietary Genetec software on one of two dedicated workstations located in the secured Detectives' Working Area and creates a copy of this file on a high-quality evidence grade DVD+R disc. This evidence-grade disc is then submitted into the SPD Evidence Section as a standard item of evidence. Standard evidence retention/disposition rules are then followed.

Milestone (BAC rooms and precinct holding cells): The recordings made by the Milestone system of BAC room use is not accessed routinely, but rather only when a specific request for that footage is needed for a criminal or internal investigation. Requests for that footage is requested by an authorized party (detective, Office of Police Accountability investigator, etc.) to the SPD Video Unit within the 90-day data retention period for those files. The Video Unit creates a copy of this file on a high-quality evidence grade DVD+R disc. This evidence grade disc is then submitted into the SPD Evidence Section as a standard item of evidence. Standard evidence retention/disposition rules are then followed.

4.8 If operated or used by another entity on behalf of the City, provide details about access, and applicable protocols.

This technology is not operated or used by another entity on behalf of the City.

4.9 What are acceptable reasons for access to the equipment and/or data collected?

The primary reason for access to the data collected by both the Genetec and Milestone systems is to investigate crimes, aid in the prosecution of criminals, and monitor subjects inside SPD facilities. Additionally, these systems are used to monitor internal SPD operations and document police activities.

4.10 What safeguards are in place, for protecting data from unauthorized access (encryption, access control mechanisms, etc.) And to provide an audit trail (viewer logging, modification logging, etc.)?

Only authorized SPD users can access the system, technology, or the data. Access to the application is limited to SPD personnel via password-protected login credentials. Logs of system activity are kept for both automatic system functions and user actions which provide an audit trail to safeguard against potential unauthorized access to stored information.

The entire system is located on the SPD network which is protected by industry standard firewalls. The Seattle IT Department performs routine monitoring of the SPD network.

All SPD employees are backgrounded and access is controlled by SPD Manual Title 12 provisions governing Department Information Systems including [SPD Policy 12.040 - Department-Owned Computers, Devices & Software](#), [SPD Policy 12.050 - Criminal Justice Information Systems](#), [SPD Policy 12.080 – Department Records Access, Inspection & Dissemination](#), [SPD Policy 12.110 – Use of Department E-mail & Internet Systems](#), and [SPD Policy 12.111 – Use of Cloud Storage Services](#).

SPD’s Audit, Policy and Research Section (APRS) can conduct an audit of the any and all systems at any time. The Office of Inspector General and the federal monitor can also access all data and audit for compliance at any time.

ITD client services interaction with SPD systems is governed according to the terms of the 2018 Management Control Agreement between ITD and SPD, which states that:

“Pursuant to Seattle Municipal Code (SMC) 3.23, ITD provides information technology systems, services and support to SPD and is therefore required to support, enable, enforce and comply with SPD policy requirements, including the FBI’s Criminal Justice Information Services, (CJIS) Security Policy.”

5.0 Data Storage, Retention and Deletion

5.1 How will data be securely stored?

Genetec (interview rooms): The original recordings are stored on a proprietary Genetec server that is located in a secure server room located in SPD HQ. The long-term storage copy produced by the detective is retained at the SPD Evidence Section following standard evidence retention rules.

Milestone (BAC rooms and precinct holding cells): Individual local servers are securely located all SPD precincts.

Per the [CJIS Security Policy](#), each agency is responsible for appropriate security measures as applicable to physical security of terminals and telecommunication lines; personnel security to include background screening requirements; technical security to protect against unauthorized use; data security to include III use, dissemination, and logging; and security of criminal history 08/16/2018 CJISD-ITS-DOC-08140-5.7 D-3 records. Additionally, each CSO (CJIS Systems Officer, or department command personnel) must ensure that all agencies establish an information security structure that provides for an ISO and complies with the CJIS Security Policy.

Both the Genetec and Milestone systems retain recordings for 90 days before they are automatically and systematically deleted from the server.

5.2 How will the owner allow for departmental and other entities, to audit for compliance with legal deletion requirements?

SPD's Audit, Policy and Research Section (APRS) can conduct an audit of the any and all systems at any time. In addition, the Office of Inspector General and the federal monitor can access all data and audit for compliance at any time.

5.3 What measures will be used to destroy improperly collected data?

Both the Genetec and Milestone systems retain recordings for 90 days before they are automatically and systematically deleted from the server.

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 an incident report. [SPD Policy 7.090](#) specifically governs the collection and submission of photographic evidence. Evidence is submitted to the Evidence Unit and associated with a specific GO Number and investigation. And, [SPD Policy 7.110](#) governs the collection and submission of audio recorded statements. It requires that officers state their name, the Department name, the General Offense number, date and time of recording, the name of the interviewee, and all persons present at the beginning of the recording. Additionally, [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.

All SPD employees must adhere to laws, City policy, and Department Policy ([SPD Policy 5.001](#)), and any employees suspected of being in violation of laws or policy or other misconduct are subject to discipline, as outlined in [SPD Policy 5.002](#). [SPD Policy 5.001](#) also ensures that communication on the systems subject to collection on this system is official in nature.

Per the [CJIS Security Policy](#):

5.8.3 Digital Media Sanitization and Disposal The agency shall sanitize, that is, overwrite at least three times or degauss digital media prior to disposal or release for reuse by unauthorized individuals. Inoperable digital media shall be destroyed (cut up, shredded, etc.). The agency shall maintain written documentation of the steps taken to sanitize or destroy electronic media. Agencies shall ensure the sanitization or destruction is witnessed or carried out by authorized personnel.

5.8.4 Disposal of Physical Media Physical media shall be securely disposed of when no longer required, using formal procedures. Formal procedures for the secure disposal or destruction of physical media shall minimize the risk of sensitive information compromise by unauthorized individuals. Physical media shall be destroyed by shredding or incineration. Agencies shall ensure the disposal or destruction is witnessed or carried out by authorized personnel.

5.4 which specific departmental unit or individual is responsible for ensuring compliance with data retention requirements?

Unit managers are responsible for ensuring compliance with data retention requirements within SPD. Audit, Policy & Research Section personnel can also conduct audits of all data collection software and systems. Additionally, any appropriate auditor, including the Office of Inspector General and the federal monitor can audit for compliance at any time.

6.0 Data Sharing and Accuracy

6.1 Which entity or entities inside and external to the City will be data sharing partners?

No person, outside of SPD and Seattle IT, has direct access to the application or the data.

Data obtained from the system may be shared outside SPD with the other agencies, entities, or individuals within legal guidelines or as required by law.

Data 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

Data 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.

SPD shares data with authorized researchers pursuant to properly execute research and confidentiality agreements as provide by [SPD Policy 12.055](#). This sharing may include discrete pieces of data related to specific investigative files collected by the system.

6.2 Why is data sharing necessary?

The sharing of recorded audio-video of police interviews of victims, witnesses, and crime suspects is often needed to aid in the prosecution of cases. Recordings may be shared only within the context of the situations outlined in 6.1.

6.3 Are there any restrictions on non-City data use?

Yes No

6.3.1 if you answered yes, provide a copy of the department’s procedures and policies for ensuring compliance with these restrictions.

Law enforcement agencies receiving criminal history information are subject to the requirements of 28 CFR Part 20, regulating criminal justice information systems. In addition, Washington State law enforcement agencies are subject to the provisions of WAC 446-20-260 (auditing and dissemination of criminal history record information systems), and [RCW Chapter 10.97](#) (Washington State Criminal Records Privacy Act).

Once disclosed in response to PRA request, there are no restrictions on non-City data use; however, applicable exemptions will be applied prior to disclosure to any requestor who is not authorized to receive exempt content.

6.4 how does the project/technology review and approve information sharing agreements, memorandums of understanding, new uses of the information, new access to the system by organizations within City of Seattle and outside agencies?

Research agreements must meet the standards reflected in [SPD Policy 12.055](#). Law enforcement agencies receiving criminal history information are subject to the requirements of 28 CFR Part 20. In addition, Washington State law enforcement agencies are subject to the provisions of WAC 446-20-260, and [RCW Chapter 10.97](#).

6.5 explain how the project/technology checks the accuracy of the information collected. If accuracy is not checked, please explain why.

The audio and video captured by these systems are real-time recordings of the interviews and activities that take place in view of the cameras permanently mounted in the interview and BAC rooms and within precinct holding cells.

6.6 describe any procedures that allow individuals to access their information and correct inaccurate or erroneous information.

Individuals may request records pursuant to the PRA, and 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.

7.0 Legal Obligations, Risks and Compliance

7.1 What specific legal authorities and/or agreements permit and define the collection of information by the project/technology?

Though the state of Washington is not one of the 26 states that requires the recording of custodial interrogations, many law enforcement agencies and criminal justice system watchdogs, such as the Innocence Project, highly recommend the practice.

Consent is required before these technologies may be used. [RCW 9.73.030 Intercepting, recording or divulging private communication – Consent required – Exceptions](#). Also known as “All party consent”. Standard procedure dictates that interview subjects are always advised of the presence of the recording or asked for their permission to record.

Additionally, [RCW 9.73.090 Certain emergency response personnel exempted from RCW 9.73.030 through 9.73.080—Standards—Court authorizations—Admissibility](#) states:

(b) Video and/or sound recordings may be made of arrested persons by police officers responsible for making arrests or holding persons in custody before their first appearance in court. Such video and/or sound recordings shall conform strictly to the following:

(i) The arrested person shall be informed that such recording is being made and the statement so informing him or her shall be included in the recording;

(ii) The recording shall commence with an indication of the time of the beginning thereof and terminate with an indication of the time thereof;

(iii) At the commencement of the recording the arrested person shall be fully informed of his or her constitutional rights, and such statements informing him or her shall be included in the recording;

(iv) The recordings shall only be used for valid police or court activities;

7.2 Describe what privacy training is provided to users either generally or specifically relevant to the project/technology.

[SPD Policy 12.050](#) mandates that all employees receive Security Awareness Training (Level 2), and all employees also receive City Privacy Training. All SPD employees must adhere to laws, City policy, and Department Policy ([SPD Policy 5.001](#)), many of which contain specific privacy requirements. Any employees suspected of being in violation of laws or policy or other misconduct are subject to discipline, as outlined in [SPD Policy 5.002](#).

7.3 Given the specific data elements collected, describe the privacy risks identified and for each risk, explain how it was mitigated. Specific risks may be inherent in the sources or methods of collection, or the quality or quantity of information included.

The nature of the Department’s mission will inevitably lead it to collect and maintain information many may believe to be private and potentially embarrassing. Minimizing privacy risks revolve around disclosure of personally identifiable information.

[SMC 14.12](#) and [SPD Policy 6.060](#) direct all SPD personnel that “any documentation of information concerning a person’s sexual preferences or practices, or their political or religious activities must be for a relevant reason and serve a legitimate law enforcement purpose.”

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.

7.4 Is there any aspect of the project/technology that might cause concern by giving the appearance to the public of privacy intrusion or misuse of personal information?

The privacy risks outlined in 7.3 above are mitigated by legal requirements and auditing processes (i.e., maintenance of all requests, copies of consent forms/statements and warrants) that allow for any auditor, including the Office of Inspector General and the federal monitor, to inspect the collection of recorded interactions between SPD and the public.

The greatest privacy risk is the unauthorized release of interview, BAC room, and holding cell video and audio recording that may contain information deemed private or offensive. To mitigate this risk, the technologies fall under the current SPD policies around dissemination of Department data and information reflected in 6.1.

8.0 Monitoring and Enforcement

8.1 describe how the project/technology maintains a record of any disclosures outside of the department.

Per [SPD Policy 12.080](#), the Crime Records Unit is responsible to receive and record all requests “for General Offense Reports from other City departments and from other law enforcement agencies, as well as from insurance companies.” Any subpoenas and requests for public disclosure are logged by SPD’s Legal Unit. Any action taken, and data released subsequently in response to subpoenas is then tracked through a log maintained by the Legal Unit. Public disclosure requests are tracked through the City’s GovQA Public Records Response System, and responses to Public Disclosure Requests, including responsive records provided to a requestor, are retained by SPD for two years after the request is completed.

8.2 what auditing measures are in place to safeguard the information, and policies that pertain to them, as well as who has access to the audit data? Explain whether the project/technology conducts self-audits, third party audits or reviews.

SPD’s Audit, Policy and Research Section is authorized to conduct audits of all investigative data collection software and systems, including DEMS. In addition, the Office of Inspector General and the federal monitor can conduct audits of the software, and its use, at any time. Audit data is available to the public via Public Records Request.

Financial Information

Purpose

This section provides a description of the fiscal impact of the surveillance technology, as required by the surveillance ordinance.

1.0 Fiscal Impact

Provide a description of the fiscal impact of the project/technology by answering the questions below.

1.1 Current or potential sources of funding: initial acquisition costs.

Current potential

Date of initial acquisition	Date of go live	Direct initial acquisition cost	Professional services for acquisition	Other acquisition costs	Initial acquisition funding source
(Genetec)6/28/2016	Aug 2016	\$60,603.16			P7710
(Milestone) 6/14/2016	Aug 2016	\$19,520.79			P8830

Notes:

1.2 Current or potential sources of funding: on-going operating costs, including maintenance, licensing, personnel, legal/compliance use auditing, data retention and security costs.

Current potential

Annual maintenance and licensing	Legal/compliance, audit, data retention and other security costs	Department overhead	IT overhead	Annual funding source
(Genetec) \$660.06				P7715
(Milestone) \$3,698.91				P3348

Notes:

1.3 Cost savings potential through use of the technology

These are not quantified; however, potential cost savings may result from better evidence for crime prosecution and mitigating liability for complaints of misconduct of SPD personnel in BAC rooms and precinct holding cells.

1.4 Current or potential sources of funding including subsidies or free products offered by vendors or governmental entities

N/A

Expertise and References

Purpose

The following information is provided to ensure that Council has a group of experts to reference while reviewing the completed surveillance impact report (“SIR”). Any individuals or agencies referenced must be made aware ahead of publication that their information has been included. All materials must be available for Council to access or review, without requiring additional purchase or contract.

1.0 Other Government References

1.1 Please list any other government bodies that have implemented this technology and can speak to the implementation of this technology.

Agency, municipality, etc.	Primary contact	Description of current use

2.0 Academics, Consultants, and Other Experts

2.1 Please list any experts in the technology under consideration, or in the technical completion of the service or function the technology is responsible for.

Agency, municipality, etc.	Primary contact	Description of current use

3.0 White Papers or Other Documents

3.1 Please list any authoritative publication, report or guide that is relevant to the use of this technology or this type of technology.

Title	Publication	Link
<p>“Preventing police torture and other forms of ill-treatment – reflections on good practices and emerging approaches”</p>	<p>28th General Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), published in 2019</p>	<p>https://rm.coe.int/1680942329</p>
<p>“Electronic Recording of Custodial Interrogations”</p>	<p>TheJusticeProject.org</p>	<p>https://web.williams.edu/Psychology/Faculty/Kassin/files/Justice%20Project(07).pdf</p>

Racial Equity Toolkit (“RET”) and Engagement for Public Comment Worksheet

Purpose

Departments submitting a SIR are required to complete an adapted version of the Racial Equity Toolkit (“RET”) in order to:

- Provide a framework for the mindful completion of the SIR in a way that is sensitive to the historic exclusion of vulnerable and historically underrepresented communities. Particularly, to inform the public engagement efforts departments will complete as part of the surveillance impact report.
- Highlight and mitigate any impacts on racial equity from the adoption and the use of the technology.
- Highlight and mitigate any disparate impacts on individuals or vulnerable communities.
- Fulfill the public engagement requirements of the surveillance impact report.

Adaption of the RET for Surveillance Impact Reports

The RET was adapted for the specific use by the Seattle Information Technology departments’ (“Seattle IT”) privacy team, the Office of Civil Rights (“OCR”), and change team members from Seattle IT, Seattle City Light, Seattle Fire Department, Seattle Police Department, and Seattle Department of Transportation.

Racial Equity Toolkit Overview

The vision of the Seattle Race and Social Justice Initiative is to eliminate racial inequity in the community. To do this requires ending individual racism, institutional racism and structural racism. The racial equity toolkit lays out a process and a set of questions to guide the development, implementation and evaluation of policies, initiatives, programs, and budget issues to address the impacts on racial equity.

1.0 Set Outcomes

1.1. Seattle City Council has defined the following inclusion criteria in the surveillance ordinance, and they serve as important touchstones for the risks departments are being asked to resolve and/or mitigate. Which of the following inclusion criteria apply to this technology?

- The technology disparately impacts disadvantaged groups.
- There is a high likelihood that personally identifiable information will be shared with non-City entities that will use the data for a purpose other than providing the City with a contractually agreed-upon service.
- The technology collects data that is personally identifiable even if obscured, de-identified, or anonymized after collection.

The technology raises reasonable concerns about impacts to civil liberty, freedom of speech or association, racial equity, or social justice.

1.2 What are the potential impacts on civil liberties through the implementation of this technology? How is the department mitigating these risks?

Inherent with any video or audio recording obtained and stored by SPD, personally identifiable and potentially sensitive personal information is collected about community members, including information about 3rd parties not present during the recordings.

1.3 What are the risks for racial or ethnicity-based bias through each use or deployment of this technology? How is the department mitigating these risks?

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. [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. The video systems described in this report are permanently installed inside SPD facilities and record individuals who are interacting with SPD personnel or are being held in precinct holding cells.

1.4 Where in the City is the technology used or deployed?

all Seattle neighborhoods

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> Ballard | <input type="checkbox"/> Southeast |
| <input type="checkbox"/> North | <input type="checkbox"/> Delridge |
| <input type="checkbox"/> Northeast | <input type="checkbox"/> Greater Duwamish |
| <input type="checkbox"/> Central | <input type="checkbox"/> East district |
| <input type="checkbox"/> Lake union | <input type="checkbox"/> King county (outside Seattle) |
| <input type="checkbox"/> Southwest | <input type="checkbox"/> Outside King County. |

If possible, please include any maps or visualizations of historical deployments / use.

1.4.1 What are the racial demographics of those living in this area or impacted by these issues?

City of Seattle demographics: White - 69.5%; Black or African American - 7.9%; Amer. Indian & Alaska Native - 0.8%; Asian - 13.8%; Native Hawaiian & Pacific Islander - 0.4%; Other race - 2.4%; Two or more races - 5.1%; Hispanic or Latino ethnicity (of any race): 6.6%; Persons of color: 33.7%.

King County demographics: White – 70.1%; Black or African American – 6.7%; American Indian & Alaskan Native – 1.1%; Asian, Native Hawaiian, Pacific Islander – 17.2%; Hispanic or Latino (of any race) – 9.4%

1.4.2 How are decisions made where the technology is used or deployed? How does the Department work to ensure diverse neighborhoods are not specifically targeted?

The Genetec system (Interview rooms) is located at SPD Headquarters. The Milestone system (BAC rooms and precinct holding cells) is located at all SPD precincts throughout the City of Seattle.

1.5 How do decisions around data sharing have the potential for disparate impact on historically targeted communities? What is the department doing to mitigate those risks?

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.

Video and audio collected by the Genetec and Milestone systems, 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.

1.6 How do decisions around data storage and retention have the potential for disparate impact on historically targeted communities? What is the department doing to mitigate those risks?

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.

1.7 What are potential unintended consequences (both negative and positive potential impact)? What proactive steps can you can / have you taken to ensure these consequences do not occur.

The most important unintended possible consequence related to the continued utilization of the Genetec and Milestone camera systems by SPD is the potential that members of the public will be recorded without their consent. [SPD Policy 7.110 – Recorded Statements](#) forbids SPD personnel from making such recordings without consent, except in specific exigent circumstances without proper warrant. Additionally, SPD policies, including [SPD Policy 6.060 - Collection of Information for Law Enforcement Purposes](#) also define the way information will be gathered by SPD 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 Public Outreach

2.1 Scheduled public meeting(s).

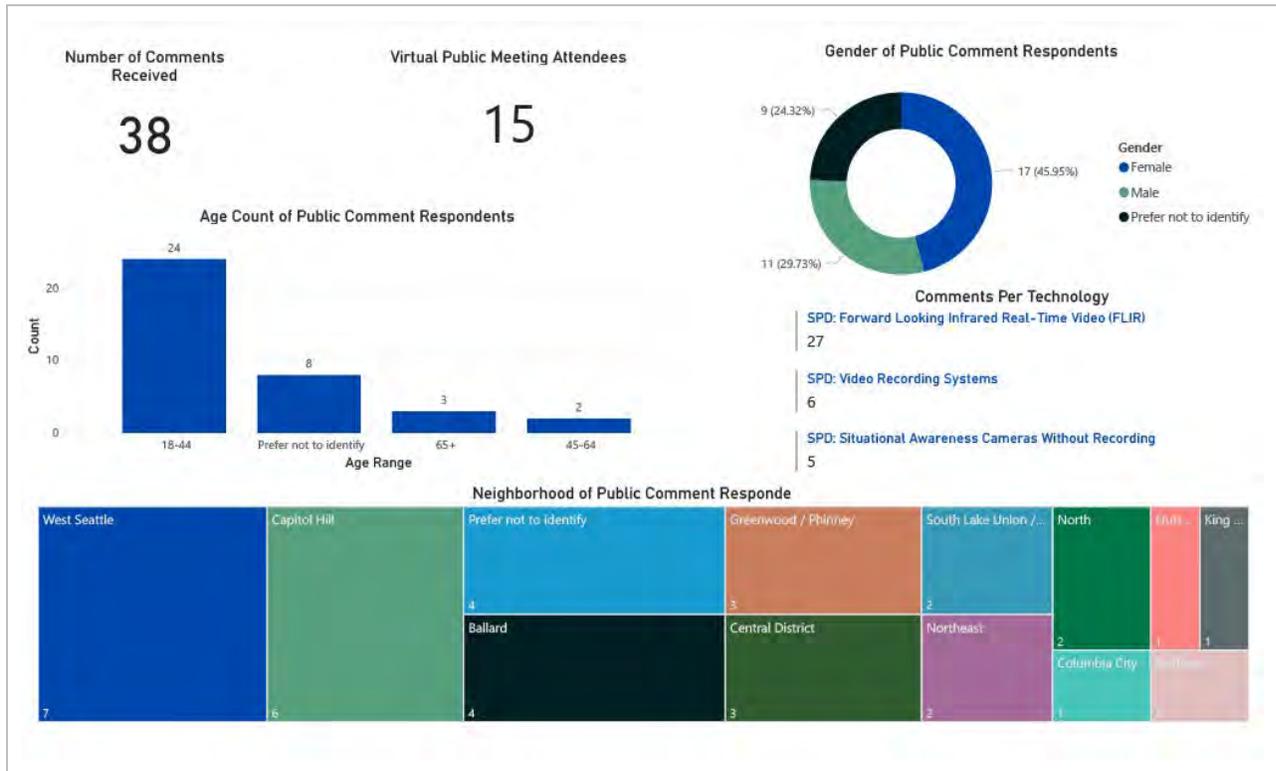
Meeting notes, sign-in sheets, all comments received, and questions from the public will be included in Appendix A-C. Comment analysis will be summarized in section 3.0 Public Comment Analysis.

Meeting 1

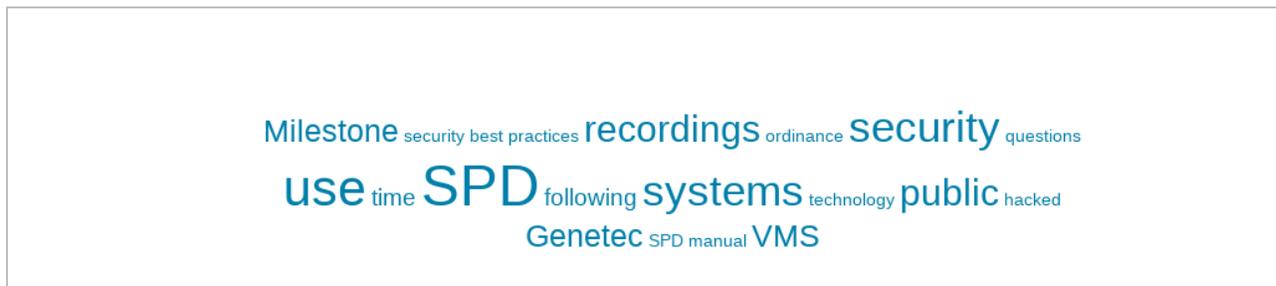
Location	Webex Online Event
Date	October 28 th , 2020
Time	12 pm – 1 pm

3.0 Public Comment Analysis

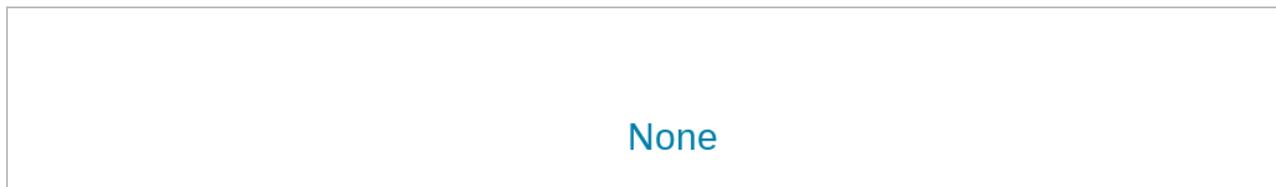
3.1 Demographics of the public who submitted comments.



3.2 What concerns, if any, do you have about the use of this technology?



3.3 What value, if any, do you see in the use of this technology?



3.4 What do you want City leadership to consider about the use of this technology?

Q4 What do you want City leadership to consider about the use of this technology?

public followed VMS Milestone security use SPD hacked
Genetec security best practices recordings information

3.5 Do you have any other comments?

N/A

4.0 Response to Public Comments

4.1 How will you address the concerns that have been identified by the public?

The OIG has audit responsibilities for determining legality of the system and deployment. SPD follows case law and city ordinance and requires a legal foundation to deploy the cameras.

5.0 Equity Annual Reporting

5.1 What metrics for this technology be reported to the CTO for the annual equity assessments? Departments will be responsible for sharing their own evaluations with department leadership, change team leads, and community leaders identified in the public outreach plan.

Respond here.

Privacy and Civil Liberties Assessment

Purpose

This section shall be completed after public engagement has concluded and the department has completed the racial equity toolkit section above. The privacy and civil liberties assessment is completed by the community surveillance working group (“working group”), per the surveillance ordinance which states that the working group shall:

“Provide to the executive and the City Council a privacy and civil liberties impact assessment for each SIR that must be included with any departmental request for surveillance technology acquisition or in-use approval. The impact assessment shall include a description of the potential impact of the surveillance technology on civil rights and liberties and potential disparate impacts on communities of color and other marginalized communities. The CTO shall share with the working group a copy of the SIR that shall also be posted during the period of public engagement. At the conclusion of the public engagement period, the CTO shall share the final proposed SIR with the working group at least six weeks prior to submittal of the SIR to Council for approval. The working group shall provide its impact assessment in writing to the executive and the City Council for inclusion in the SIR within six weeks of receiving the final proposed SIR. If the working group does not provide the impact assessment before such time, the working group must ask for a two-week extension of time to City Council in writing. If the working group fails to submit an impact statement within eight weeks of receiving the SIR, the department and City Council may proceed with ordinance approval without the impact statement.”

Working Group Privacy and Civil Liberties Assessment

From: Seattle Community Surveillance Working Group (CSWG)

To: Seattle City Council

Date: Dec 15, 2020

Re: Privacy and Civil Liberties Impact Assessment for Video Recording Systems

Executive Summary

The CSWG has completed its review of the Surveillance Impact Reports (SIRs) for the three surveillance technologies included in Group 3 of the Seattle Surveillance Ordinance technology review process. These technologies are Forward Looking Infrared, Video Recording Systems, and Situational Awareness Cameras Without Recording. This document is the CSWG’s Privacy and Civil Liberties Impact Assessment for Video Recording Systems as set forth in SMC 14.18.080(B)(1), which we provide for inclusion in the final SIRs submitted to the City Councils.

This document first provides our recommendations to Council, then provides background information, key concerns, and outstanding questions regarding Video Recording Systems.

Our assessment of Video Recording Systems as used by Seattle Police Department (SPD) focuses on three major issues:

1. The capabilities of the Genetec and Milestone systems are unclear.
2. It is unclear how data are collected, stored, and protected; additional policy language is necessary to define valid purposes of use

Recommendations:

We recommend that the Council adopt, at a minimum, clear and enforceable rules that ensure the following:

1. **SPD must abide by a specific and restricted purpose of use:** The ordinance should define a specific purpose of use for any video recording systems used by SPD, and any use must be restricted to that specific purpose.
2. **SPD must not use any video recording systems that have capabilities beyond what is strictly necessary to fulfill the purpose of use (e.g., recording custodial interrogations).** The ordinance should prohibit incorporating additional services such as facial recognition systems with the video recording systems.

Outstanding Questions

1. Does SPD use a Genetec or Milestone partner add-on that enables facial recognition or other biometric data collection/identification?
2. How are firmware/software updates applied to the Genetec systems?
3. What security practices does SPD follow?
4. Where does the SPD Evidence Section store the Genetec-generated recordings and Milestone recordings they receive?
5. For both the Genetec and Milestone systems, who has permission to modify the pan, tilt, and/or zoom of the cameras?

CTO Response

Memo

To: Seattle City Council
From: Saad Bashir, Chief Technology Officer
Subject: CTO Response to the Surveillance Working Group Video Recording Systems SIR Review

Purpose

As provided in the Surveillance Ordinance, [SMC 14.18.080](#), this memo outlines the Chief Technology Officer's (CTO's) response to the Surveillance Working Group assessment on the Surveillance Impact Report for Seattle Police Department's Video Recording Systems.

Background

The Information Technology Department (ITD) is dedicated to the Privacy Principles and Surveillance Ordinance objectives to provide oversight and transparency about the use and acquisition of specialized technologies with potential privacy and civil liberties impacts. All City departments have a shared mission to protect lives and property while balancing technology use and data collection with negative impacts to individuals. This requires ensuring the appropriate use of privacy invasive technologies through technology limitations, policy, training and departmental oversight.

The CTO's role in the SIR process has been to ensure that all City departments are compliant with the Surveillance Ordinance requirements. As part of the review work for surveillance technologies, ITD's Privacy Office has facilitated the creation of the Surveillance Impact Report documentation, including collecting comments and suggestions from the Working Group and members of the public about these technologies. IT and City departments have also worked collaboratively with the Working Group to answer additional questions that came up during their review process. We believe that policy, training and technology limitations enacted by SPD and Council oversight through the surveillance technology review process provide adequate mitigation for the potential privacy and civil liberties concerns raised by the Working Group about the use of this important operational technology.

Technology Purpose

SPD has two camera systems used to record and/or monitor members of the public within specific, secure locations in SPD facilities. The first is the Genetec Video Management System. It is a permanently installed, non-mobile unconcealed audio and video recording system primarily used to record in-person interactions with and interviews of crime victims, witnesses, and suspects in 7 designated interview rooms located at the SPD headquarters in the Seattle Justice Center. The system also provides a live video-only view of these interview rooms. The video-only live view is used to monitor, short term, members of the community who are in the interview rooms when no SPD detective is present. This system is used to create a video record of interviews for the purposes of use in criminal justice proceedings. The second is Milestone Systems XProtect Video Management Software and Products. These are permanently installed in SPD's Blood Alcohol Collection (BAC) rooms and precinct holding cells. They record continuously all activity in those locations.

Working Group Concerns

In their review, the Working Group has raised concerns about these devices being used in a privacy impacting way. Their focus was on providing details about specification and restriction of use, and concerns about additional capabilities of the systems reviewed.

Recommended Next Steps

I look forward to working together with Council and City departments to ensure continued transparency about the use of these technologies and finding a mutually agreeable means to use technology to improve City services while protecting the privacy and civil rights of the residents we serve. Specific concerns in the Working Group comments about cameras are addressed in the attached document.

Response to Specific Concerns: Video Recording Systems

Concern: Inadequate policies defining specific and restricted purpose of use

CTO Assessment: The specific and intended use of the technologies under review is governed by [SPD Policy 7.110 –Recorded Statements](#). The process for how the technology is used and the treatment of the collected video is also outlined in the SIR. While this SIR covers two technologies with similar purpose, the capabilities and clear purpose for each system is outlined and distinguished in the review process.

SIR Response:

Section 2.4 Describe how the project or use of technology relates to the department’s mission.

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. The video and audio recording of victim, witness, and suspect interviews aids investigations and prosecutions of crimes as well as enhances public confidence in the practices of SPD.

Section 3.1 Describe the processes that are required prior to each use, or access to/ of the project / technology, such as a notification, or check-in, check-out of equipment.

Genetec (Interview rooms): The detective(s) conducting the interview activates the recording system for the appropriate room with a manual switch. The detective then advises the interview subject of the audio recording acquiring implied consent, or explicitly asks for permission to record per [SPD Policy 7.110 –Recorded Statements](#). At the conclusion of the interview or blood draw, or when the subject leaves the room, the recording is terminated by the detective or officer. The detective then exports the recording from the server on one of the two designated computer workstations and creates a copy of the recording for permanent storage on a special high-quality evidence grade DVD+R disc. This evidence grade disc is then submitted into the SPD Evidence Section as a standard item of evidence.

Milestone (BAC rooms and precinct holding cells): The Milestone systems is continuously recording in the BAC rooms and precinct holding cells. In the event that an investigator (including SPD internal investigations) needs to view the video, a request must be made to the SPD Video Unit who will locate the specific time and location video requested and provide the investigator with a DVD containing the file.

Section 3.2 List the legal standards or conditions, if any, that must be met before the project / technology is used.

Signage is clearly posted in all SPD precincts indicating that audio and video surveillance is in progress. These signs are posted both at the entrances to holding cells and inside holding cells and blood alcohol collection areas.

Consent is required before these technologies may be used. RCW 9.73.030 Intercepting, recording or divulging private communication—Consent required—Exceptions. Also known as “All party consent”. Standard procedure dictates that interview subjects are always advised of the presence of the recording or asked for their permission to record. Any recording made of an interview subject without consent

would be inadmissible and could possibly subject the SPD personnel to an internal conduct assessment and possibly criminal charges. Per [SPD Policy 7.110 –Recorded Statements](#):

When taking an audio recorded statement, the officer/detective:

1. States at the beginning of the recording:
 - Officer’s name and includes, “of the Seattle Police Department”
 - Incident or Report Number
 - Date and time of the recording
 - The name of the interviewee
 - All persons present during the interview
2. Asks the person to respond to the question, “Are you aware you are being recorded?”
3. If the person is in custody, gives Miranda warning.
4. Asks the person to state their full name.
5. Conducts the interview.
6. After the interview, if the person is a victim, witness or complainant, asks the person:
 - Do you declare under penalty of perjury under the laws of Washington what you have stated in this statement is true and correct?
 - Do you wish to have your personal information Disclosed or Not Disclosed?
7. Announces the end of the recording with the date and time.
8. Uploads the audio statement to the Digital Evidence Management System (DEMS).
9. Documents the recorded statement in the appropriate report

Section 4.3 How and when will the project / technology be deployed or used? By whom? Who will determine when the project / technology is deployed and used?

Genetec (Interview rooms): The detective(s) conducting the interview activates the recording system for the appropriate room with a manual switch. The detective then advises the interview subject of the audio recording acquiring implied consent, or explicitly asks for permission to record per [SPD Policy 7.110 –Recorded Statements](#). At the conclusion of the interview or blood draw, or when the subject leaves the room, the recording is terminated by the detective or officer. The detective then exports the recording from the server on one of the two designated computer workstations and creates a copy of the recording for permanent storage on a special high-quality evidence grade DVD+R disc. This evidence grade disc is then submitted into the SPD Evidence Section as a standard item of evidence.

Milestone (BAC rooms and precinct holding cells): The Milestone systems is continuously recording in the BAC rooms and precinct holding cells. In the event that an investigator (including SPD internal investigations) needs to view the video, a request must be made to the SPD Video Unit who will locate the specific time and location video requested and provide the investigator with a DVD containing the file.

Section 4.9 What are acceptable reasons for access to the equipment and/or data collected?

The primary reason for access to the data collected by both the Genetec and Milestone systems is to investigate crimes, aid in the prosecution of criminals, and monitor subjects inside SPD facilities. Additionally, these systems are used to monitor internal SPD operations and document police activities.

Concern: Capabilities of the Genetec and Milestone systems beyond specified purpose (facial recognition)

CTO Assessment: The capabilities of both the Genetec and Milestone systems are outlined in the SIR as well as the circumstances under which they are used. There are concerns regarding additional functionality that could be added to these systems or other systems with similar advanced functionality but features such as facial recognition are not in use by any system in SPD. Any material change to the functionality of these technologies would be covered under the scope of the SIR review process. Additionally, going into effect July of 2021, Washington has passed the first state law that provides regulation and oversight over facial recognition technologies ([RCW 43.386](#)). This law regulates the development, procurement, and use of a facial recognition service, and provides a similar level of transparency and review to the Seattle Surveillance Ordinance.

SIR Response:

Section 2.3 Describe the technology involved.

The Genetec Video Management System includes camera and microphone equipment that is permanently installed in the interview rooms on the 6th and 7th floors of SPD Headquarters, a physical server located at SPD HQ, two dedicated computer workstations located in the detectives' work area at SPD HQ, and video-only monitors located throughout the detectives' work area and detective supervisors' offices at SPD HQ. The Milestone Video Management Software and Products consist of cameras located in BAC rooms and precinct holding cells throughout SPD's facilities. A dedicated server is located at each of these secure locations which stores the video and audio information from the Milestone cameras.

Section 4.1 Provide details about what information is being collected from sources other than an individual, including other IT systems, systems of record, commercial data aggregators, publicly available data and/or other City departments.

These technologies record only the images and sounds that occur during an SPD interview of a witness, victim, or suspect, and activity in BAC rooms and precinct holding cells.

Appendix A: Glossary

Accountable: (taken from the racial equity toolkit.) Responsive to the needs and concerns of those most impacted by the issues you are working on, particularly to communities of color and those historically underrepresented in the civic process.

Community outcomes: (taken from the racial equity toolkit.) The specific result you are seeking to achieve that advances racial equity.

Contracting equity: (taken from the racial equity toolkit.) Efforts to achieve equitable racial outcomes in the way the City spends resources, including goods and services, consultants and contracting.

DON: “department of neighborhoods.”

Immigrant and refugee access to services: (taken from the racial equity toolkit.) Government services and resources are easily available and understandable to all Seattle residents, including non-native English speakers. Full and active participation of immigrant and refugee communities exists in Seattle’s civic, economic and cultural life.

Inclusive outreach and public engagement: (taken from the racial equity toolkit.) Processes inclusive of people of diverse races, cultures, gender identities, sexual orientations and socio-economic status. Access to information, resources and civic processes so community members can effectively engage in the design and delivery of public services.

Individual racism: (taken from the racial equity toolkit.) Pre-judgment, bias, stereotypes about an individual or group based on race. The impacts of racism on individuals including white people internalizing privilege, and people of color internalizing oppression.

Institutional racism: (taken from the racial equity toolkit.) Organizational programs, policies or procedures that work to the benefit of white people and to the detriment of people of color, usually unintentionally or inadvertently.

OCR: “Office of Civil Rights.”

Opportunity areas: (taken from the racial equity toolkit.) One of seven issue areas the City of Seattle is working on in partnership with the community to eliminate racial disparities and create racial equity. They include: education, health, community development, criminal justice, jobs, housing, and the environment.

Racial equity: (taken from the racial equity toolkit.) When social, economic and political opportunities are not predicted based upon a person’s race.

Racial inequity: (taken from the racial equity toolkit.)
When a person’s race can predict their social, economic, and political opportunities and outcomes.

RET: “racial equity toolkit”

Seattle neighborhoods: (taken from the racial equity toolkit neighborhood.) Boundaries defined for the purpose of understanding geographic areas in Seattle.

Stakeholders: (taken from the racial equity toolkit.)
Those impacted by proposed policy, program, or budget issue who have potential concerns or issue expertise. Examples might include: specific racial/ethnic groups, other institutions like Seattle housing authority, schools, community-based organizations, change teams, City employees, unions, etc.

Structural racism: (taken from the racial equity toolkit.)
The interplay of policies, practices and programs of multiple institutions which leads to adverse outcomes and conditions for communities of color compared to white communities that occurs within the context of racialized historical and cultural conditions.

Surveillance ordinance: Seattle City Council passed ordinance [125376](#), also referred to as the “surveillance ordinance.”

SIR: “surveillance impact report”, a document which captures the fulfillment of the Council-defined surveillance technology review process, as required by ordinance [125376](#).

Workforce equity: (taken from the racial equity toolkit.) Ensure the City's workforce diversity reflects the diversity of Seattle.



Appendix B: Meeting Notice(s)



City Surveillance Technology Event

October 28th, 2020
12:00 p.m. – 1:00 p.m.
[Webex Online Event](#)

**Join us for a public meeting to comment on a few
of the City's surveillance technologies:**

Seattle Police Department

- Forward Looking Infrared Real-time Video (FLIR)
- Situational Awareness Cameras Without Recording
- Video Recording Systems

[WebEx Online Event](#)

Dial-in Info:
+1-408-418-9388
Access code: 146 533 4053

Can't join us online?

Visit <http://www.seattle.gov/surveillance> to leave an online comment or send your comment to **Surveillance and Privacy Program, Seattle IT, PO Box 94709, Seattle, WA 98124.**

The Open Comment period is from **October 7th – November 7th, 2020.**

Please let us know at Surveillance@seattle.gov if you need any accommodations. For more information, visit Seattle.gov/privacy.

Information provided to the City of Seattle is considered a public record and may be subject to public disclosure. For more information see the Public Records Act, RCW Chapter 42.56 or visit Seattle.gov/privacy. All comments submitted will be included in the Surveillance Impact Report.

Appendix C: All Comments Received from Members of the Public

ID: 12165158184

Submitted Through: Online Comment

Date: 11/12/2020 4:05:03 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Video Recording Systems

What concerns, if any, do you have about the use of this technology?

I have concerns that SPD will not be transparent in the use of this technology. I worry in particular about its use in low income and minority neighborhoods.

What value, if any, do you see in the use of this technology?

I do not believe any value of this technology outweighs my major concerns.

What do you want City leadership to consider about the use of this technology?

I do not think the City should allow this technology.

Do you have any other comments?

ID: 12164796504

Submitted Through: Online Comment

Date: 11/12/2020 1:58:34 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Video Recording Systems

What concerns, if any, do you have about the use of this technology?

As of Nov. 12th, numerous questions from the public have not been answered by SPD and thus greatly hinder the ability for informed public comment. These questions include: (1) Does SPD use a Genetec or Milestone partner add-on that enables facial recognition or other biometric data collection/identification? (2) How are firmware/software updates applied to the Genetec systems? (3) Genetec Omnicast was the VMS used by Washington D.C. MPD CCTVs that had nearly 70% of them hacked with ransomware in 2017. It is generally understood that not following the security best practices provided by Genetec is what led to them being hacked (<https://ipvm.com/reports/genetec-mpd>). Keep in mind that if SPD's Genetec VMS was hacked and had the recordings leaked, then that could jeopardize publicly-anonymous witnesses (though the security of the Milestone system is also important). At the public engagement meeting, SPD's stated their understanding of the security of their VMS was based on an assumption of the contracted installer. Security should never be based on assumption; and moreover, security best practices and available security features in VMS change over time, so relying on a (possible) one-time installation as the only time security has been done on these devices would not be considered sufficient and would not meet the current industry standards for security best practices. SPD should definitively validate what security measures have been applied their VMS and communicate that to the public. Specifically: (3a) Has SPD followed all the security configuration recommendations provided by Genetec in their Best Practices document ? (3b) Similarly, has SPD followed Milestone's XProtect Hardening Checklist? (4a) Where does the SPD Evidence Section store the Genetec-generated recordings they receive via DVD+R (in DEMS, and/or Evidence.com, or something else)? (4b) Same question for the Milestone recordings (where do they go after snippets are exported on DVD)? (5) For both the Genetec and Milestone systems, who has permission to modify the pan, tilt, and/or zoom of the cameras? Also, there are some gaps in the SPD manual that should be addressed either by modifications to SPD's manual and/or via ordinance. These gaps include: (1) The SPD manual doesn't limit the purpose of these recordings. (2) The ordinance that approves this tech should specifically prohibit installing/incorporating additional services that collect/assess/identify biometric information.

What value, if any, do you see in the use of this technology?

As it currently stands, this technology lacks sufficient guardrails to prevent abuse/misuse of the system. Moreover, the weak security posture puts witnesses and others at risk of having their interview leaked (and/or having the weak VMS security simply lead to the VMS being hacked as stepping stone to further attack other parts of SPD digital infrastructure). SPD/IT are withholding information from the public, which further impedes the ability for an informed consent by the public in seeing sufficient value in this technology.

What do you want City leadership to consider about the use of this technology?

City leadership should be made aware of the information SPD/IT has withheld from the public. This information missing from the public includes: (1) Does SPD use a Genetec or Milestone partner add-on that enables facial recognition or other biometric data collection/identification? (2) How are firmware/software updates applied to the Genetec systems? (3) Genetec Omnicast was the VMS used by Washington D.C. MPD CCTVs that had nearly 70% of them hacked with ransomware in 2017. It is generally understood that not following the security best practices provided by Genetec is what led to them being hacked (<https://ipvm.com/reports/genetec-mpd>). Keep in mind that if SPD's Genetec VMS was hacked and had the recordings leaked, then that could jeopardize publicly-anonymous witnesses (though the security of the Milestone system is also important). At the public engagement meeting, SPD's stated their understanding of the security of their VMS was based on an assumption of the contracted installer. Security should never be based on assumption; and moreover, security best practices and available security features in VMS change over time, so relying on a (possible) one-time installation as the only time security has been done on these devices would not be considered sufficient and would not meet the current industry standards for security best practices. SPD should definitively validate what security measures have been applied their VMS and communicate that to the public. Specifically: (3a) Has SPD followed all the security configuration recommendations provided by Genetec in their Best Practices document ? (3b) Similarly, has SPD followed Milestone's XProtect Hardening Checklist? (4a) Where does the SPD Evidence Section store the Genetec-generated recordings they receive via DVD+R (in DEMS, and/or Evidence.com, or something else)? (4b) Same question for the Milestone recordings (where do they go after snippets are exported on DVD)? (5) For both the Genetec and Milestone systems, who has permission to modify the pan, tilt, and/or zoom of the cameras? City leadership should be encouraged to mandate (via SPD manual changes and/or ordinance) to address some gaps and add appropriate guardrails to the use of this technology. The current gaps include: (1) The SPD manual doesn't limit the purpose of these recordings. (2) The ordinance that approves this tech should specifically prohibit installing/incorporating additional services that collect/assess/identify biometric information.

Do you have any other comments?

There are many areas of improvement by IT/Privacy-dept. regarding their public engagement process on surveillance technologies. Some of the more recent issues include: (1) Public comment via SurveyMonkey was configured by IT such that a single user (browser session) could only submit public comment on 1 technology. The only way to submit public comment on all the technologies would be use a different browser or clear you browser's cookies/session data, which many less technical people wouldn't know to do. This actively impedes public comment. It is ensuring there is the least public comment possible. (2) The Privacy dept. calendar event for the Group 3 public engagement meeting didn't include the access code for phone-only users to dial-in (one had to know of and go to the TechTalk blog to get the access code). (3) Directions at public engagement meeting for providing verbal public comment were to raise hand in webex which clearly is not possible for phone-only users. (4) Public engagement truncated. CTO told City Council it would be 45 days. Instead IT used 30 days with a 1 week extension agreed to be added (so 37 days). (5) The Group 3 public engagement meeting recording (as of Nov. 12th) has not been posted publicly, so people unable to attend don't have access to the discussion/Q&A before the public comment period closes. (6) SPD has not provided answers before the public comment period closes. (7) SPD further dodged valid questions from the public by requiring PRA requests, which have zero hope of being addressed within the public comment period. (8) IT has repeatedly requested & attained (and in 1 case, just self-granted) time extensions for the Surveillance Ordinance process. When the public needs time for SPD to provide answers so as to provide informed public comment, now suddenly IT is on a tight time schedule and can't extend the public comment period. Additionally, IT/Privacy-dept. has repeatedly lamented the lack of public engagement, but have also taken no additional steps to rectify this for Group 3; and did not heed prior feedback from the CSWG regarding the engagement process. There are numerous steps IT/Privacy-dept. should take to improve public engagement. The recommendations to the CTO & CPO for Group 4 include: (1) Breaking the group into smaller groups. Group 4 on deck with 13 technologies: 2 re-visits of SFD tech, 3 types of undercover technologies, & 8 other technologies. (2) Allocating more time for open public comment: minimum of 2 weeks per each in scope tech (so Group 3 would be 42 days, and Group 4 would be 154 - 182 days). (3) Hold more public engagement meetings per Group - specifically the number of public engagement meetings should at a minimum match the number of technologies being considered for public comment (otherwise the meeting will run out of time before all the questions from the public can even be asked, which did happen with Group 3). (4) Require at the public engagement meetings both a Subject Matter Expert on the use of the technology AND a Subject Matter Expert on the technical management of the technology. There should be no excuse for most of the public's questions being unanswered by the City at these meetings. (5) Hold public engagement meetings that are accessible to marginalized communities most likely to have this technology used against them (such as, holding meetings at various times of day & weekends, having translators, etc). (6) Post online the recordings of all online public engagement meetings at least 1 week before the public comment period closes. (7) Require departments to provide answers to the public's questions at least 1 week before the public comment period closes. (8) Post public announcements for focus groups held by the City (9) Public engagement meetings and focus groups should have at least 1 outside civil liberties representative to present. (10) Publish to the Privacy website in a more timely manner the CSWG meeting announcements and minutes.

(11) Work with more City departments (not just Dept. of Neighborhoods) to foster engagement. (12) Work with more City boards and committees to foster engagement. (13) Provide at least 2 week lead time between announcing a public engagement meeting and the timing of that meeting occurring. (14) Provide early versions of drafts SIRs to the CSWG (as they requested more than once).

ID: 12111900892

Submitted Through: Online Comment

Date: 10/26/2020 8:27:30 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Video Recording Systems

What concerns, if any, do you have about the use of this technology?

Increased surveillance is the action of a police state, and should not be tolerated by a free society.

What value, if any, do you see in the use of this technology?

None.

What do you want City leadership to consider about the use of this technology?

It is antithetical to freedom.

Do you have any other comments?

This comment applies to all three systems under review.

ID: 12101381803

Submitted Through: Online Comment

Date: 10/22/2020 2:59:30 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Video Recording Systems

What concerns, if any, do you have about the use of this technology?

SPD has already weaponized video recording systems to limit the first amendment rights of people who politically oppose them. SPD is incredibly reckless with their use of body worn video and has demonstrated that they are not capable of following a standa

What value, if any, do you see in the use of this technology?

None

What do you want City leadership to consider about the use of this technology?

SPD is reckless, SPD is irresponsible, SPD is unreformable. You must take any and all surveillance tools from their control and transfer to civilian oversight boards.

Do you have any other comments?

ID: 12101189956

Submitted Through: Online Comment

Date: 10/22/2020 1:49:35 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Video Recording Systems

What concerns, if any, do you have about the use of this technology?

I do not trust the Seattle Police Department to handle this technology properly or within the framework of constitutional rights. The Seattle Police consistently abuse existing camera technology, such as SDOT cameras, despite existing city ordinances.

What value, if any, do you see in the use of this technology?

None. The police should not have it.

What do you want City leadership to consider about the use of this technology?

The astonishingly long record of human rights abuses the Seattle Police continue to mete out without the right to trial.

Do you have any other comments?

Defund SPD.

ID: 12100938026

Submitted Through: Online Comment

Date: 10/22/2020 12:24:25 PM

Which surveillance technology that is currently open for public comment, do you wish to comment on?

SPD: Video Recording Systems

What concerns, if any, do you have about the use of this technology?

None

What value, if any, do you see in the use of this technology?

Catching illegal activity and being able to quickly assess and respond to crime is a benefit to society.

What do you want City leadership to consider about the use of this technology?

Increase usage in problematic areas.

Do you have any other comments?

None

Appendix D: Letters from Organizations or Commissions

November 6, 2020

Seattle Information Technology
700 5th Ave, Suite 2700
Seattle, WA 98104

RE: ACLU of Washington Comments on Group 3 Surveillance Technologies

On behalf of the ACLU of Washington, I write to offer our comments on the surveillance technologies included in Group 3 of the Seattle Surveillance Ordinance implementation process.

The three Seattle Police Department (SPD) technologies in Group 3 are covered in the following order:

1. Forward Looking Infrared – King County Sheriff's Office Helicopters
2. Video Recording Systems
3. Situational Awareness Cameras Without Recording

These comments should be considered preliminary, given that the Surveillance Impact Reports (SIR) for each technology leave a number of important questions unanswered. Specific unanswered questions for each technology are noted in the comments relating to that technology. Answers to these questions should be included in the updated SIRs provided to the Community Surveillance Working Group and to the City Council prior to their review of the technologies.

Forward Looking Infrared - KCSO Helicopters

Background

Forward Looking Infrared (FLIR) is a powerful thermal imaging surveillance technology that raises a number of privacy and civil liberties concerns because of its ability to enable dragnet surveillance of individuals in public as well as in private spaces.

FLIR cameras sense infrared radiation to create images assembled for real-time video output. This technology detects small differences in heat, or emitted thermal energy, and displays them as shades of gray or with different colors. Because all objects emit different amounts of thermal energy, FLIR cameras are able to detect temperature differences and translate them into images.¹

Advanced thermal imaging systems like FLIR allow governments to increase their surveillance capabilities. Like any device used for surveillance, government agents may use it inappropriately to gather information on people based on their race, religion, or political views. While thermal imaging devices cannot “see” through

¹ ACLU of Washington, *Thermal Imaging Surveillance*, [THEYAREWATCHING.ORG](https://theyarewatching.org/technology/thermal-imaging-surveillance), <https://theyarewatching.org/technology/thermal-imaging-surveillance> (last visited Nov. 5, 2020).



P. O. Box 2728
Seattle, WA 98111-2728
(206) 624-2184
aclu-wa.org

Tana Lin
Board President

Michele Stormo
Executive Director

walls, pointing a thermal camera at a building can still reveal sensitive information about what is happening inside. Drug detectives often use these devices to identify possible marijuana growers by looking for heat consistent with grow lights.² Furthermore, privacy and civil liberties concerns with FLIR are magnified when FLIR is used in conjunction with other powerful surveillance tools such as facial recognition and drones.

The Seattle Police Department (SPD) uses three King County Sheriff's Office helicopters that are equipped with FLIR technology as well as 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. SPD can use FLIR technology and these helicopters to monitor human beings (whose body temperatures are fairly consistent) through clouds, haze, and darkness.

There are serious concerns with SPD's use of KCSO's helicopters as described in the SIR. The policies attached in the SIR do not include purpose limitations, adequate privacy and security protections, or restrictions on use. The SIR also does not specify how long KCSO retains still images and recordings attained when assisting SPD, or whether SPD's Digital Evidence Management System (DEMS) is an on-premise or a Software-as-a-Service (SaaS) deployment.

At the public engagement meeting held on October 28, 2020,³ SPD officers were asked if SPD had ever used KCSO helicopters or FLIR technology for the purpose of surveilling protesters and if SPD had any policies prohibiting use of these technologies for protester surveillance. The officers were also asked over which neighborhoods the helicopters had been deployed, given that the SIR states that in 2018, Guardian One was deployed 45 times to SPD events. For both questions, SPD officers declined to answer and told the public to submit public records requests. However, because SPD's Public Records Act request portal states that the minimum response timeline is in excess of 6-12 months, members of the public would not be able to receive answers to these questions in time to submit public comments on these technologies.

Given the lack of adequate policies in the SIR and the number of unanswered questions that remain, we have concerns that SPD's use of KCSO's helicopters and FLIR technology may infringe upon people's civil rights and civil liberties. KCSO's FLIR-equipped helicopters may be used to disproportionately surveil historically targeted communities, individuals exercising their constitutionally protected right to protest, or people just going about their lives.

Specific Concerns

² In the 2001 case *Kyllo v. United States*, the U.S. Supreme Court ruled that federal agents violated the Fourth Amendment when they used a thermal imaging device to detect marijuana plants growing inside a home.

³ Seattle Police Department, *Surveillance Technology Public Comment Meeting*, CITY OF SEATTLE (Oct. 28, 2020), <https://www.seattle.gov/Documents/Departments/Tech/Privacy/Group%203%20Presentation.pdf>.

- **There are inadequate policies defining purpose of use.** The policies cited in the SIR do not impose meaningful restrictions on the purpose for which SPD may request that KCSO helicopters and FLIR technology be used. Policy 16.060 – King County Sheriff’s Office Air Support Unit⁴ simply states that “Guardian One offers air support for patrol and specialized missions” and that “Guardian Two offers air support for special operations such as search and rescue (SAR) and tactical missions.” This policy only describes the process by which SPD may request support from KCSO’s air support unit but does not state the specific purposes for which SPD may or may not request support. Section 4.9 of the SIR⁵ states that SPD may request video from KCSO’s Air Unit “[w]hen necessary and pertinent to a specific investigation” but does not specify the types of investigations for which SPD may request data from KCSO or how it is determined if such data is necessary and pertinent. Policy 6.060 – Collection of Information for Law Enforcement Purposes⁶ states that “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” and Policy 5.140 – Bias-Free Policing states that “officers will not engage in bias-based policing.”⁷ However, SPD’s answers at the October 28 public engagement meeting do not make clear whether and how SPD prohibits use of KCSO helicopters to engage in surveillance of protesters or biased policing. Section 1.4.2 of the Racial Equity Toolkit (RET) section of the SIR specifically asks: “How are decisions made where the technology is used or deployed? How does the Department work to ensure diverse neighborhoods are not specifically targeted?”⁸ The response from SPD directs attention to SPD Policy 16.060, which does not provide adequate purpose limitations.
- **There are inadequate policies restricting data collection.** The policies cited in the SIR do not place any restrictions on the amount or types of data SPD may request from KCSO. At the October 28 public engagement meeting, SPD officers did not answer whether or how SPD places time or geographic limitations on the data it may request from KCSO.

⁴ Seattle Police Department, *Seattle Police Department Manual: 16.060 - King County Sheriff’s Office Air Support Unit*, CITY OF SEATTLE (Mar. 1, 2016), <http://www.seattle.gov/police-manual/title-16---patrol-operations/16060---king-county-sheriffs-office-air-support-unit>.

⁵ Seattle Police Department, *2020 Surveillance Impact Report: Forward Looking Infrared Real-Time Video (FLIR) (KCSO Helicopters)*, CITY OF SEATTLE, at 12, http://www.seattle.gov/Documents/Departments/Tech/Privacy/FLIR%20-%20KCSO%20Helicopters%20Public_Engagement%20SIR.pdf (last visited Nov. 5, 2020).

⁶ Seattle Police Department, *Seattle Police Department Manual: 6.060 - Collection of Information for Law Enforcement Purposes*, CITY OF SEATTLE (May 19, 2004), <http://www.seattle.gov/police-manual/title-6---arrests-search-and-seizure/6060---collection-of-information-for-law-enforcement-purposes>.

⁷ Seattle Police Department, *Seattle Police Department Manual: 5.140 - Bias-Free Policing*, CITY OF SEATTLE (Aug. 1, 2019), <http://www.seattle.gov/police-manual/title-5---employee-conduct/5140---bias-free-policing>.

⁸ *2020 Impact Report: Infrared Video*, supra note 5, at 23.

- **It is unclear if and how SPD protects the privacy of individuals unrelated to an investigation.** The SIR does not include any policies regarding how it redacts or deletes information. At the October 28 public engagement meeting, SPD officers did not provide an answer to the question of whether and how it redacts or deletes information collected that may compromise the privacy of individuals unrelated to an investigation.
- **It is unclear how data collected are stored and protected.** SPD stated at the October 28 public engagement meeting that it is unaware of how long KCSO retains still images and recordings obtained when assisting SPD. While SPD officers stated that SPD stores video requested from KCSO in its Digital Evidence Management System (DEMS)—not Evidence.com, this is not made clear within the SIR. Additionally, SPD officers did not answer whether SPD’s DEMS is on on-premise or Software-as-a-Service (SaaS) deployment.
- **The SIR does not provide the dates and neighborhoods over which KCSO helicopters and FLIR technology have been deployed.** Though the SIR states that there have been 45 deployments of Guardian One to support SPD in 2018, the SIR does not include an analysis of the locations of those deployments.⁹ Additionally, during the October 28 public engagement meeting, SPD declined to state the neighborhoods over which the helicopters had been deployed. It is important that SPD include this information in the Racial Equity Toolkit section of the final SIR in order to address the following questions in Section 1.4.2: “How are decisions made where the technology is used or deployed? How does the Department work to ensure diverse neighborhoods are not specifically targeted?”¹⁰

Outstanding Questions

- What are the registration and/or tail numbers for each helicopter?
- In 2019 and 2020, did the KCSO Air Support Unit have any additional helicopters aside from the three listed in the SIR?
- How long does KCSO retain still images and recordings attained when assisting SPD?
- Is SPD’s Digital Evidence Management System (DEMS) an on-premise deployment or is it Software-as-a-Service?
- Has SPD ever requested KCSO ASU services or obtained data from KCSO’s helicopters and/or FLIR technology to surveil protesters?
- What are the neighborhoods over which KCSO’s helicopters have been deployed?

Recommendations for Regulation

At this stage, pending answers to the questions above, we can make only preliminary recommendations for the regulation of SPD’s use of KCSO’s helicopters and FLIR technology. We recommend that the Council adopt, via ordinance, at a minimum, clear and enforceable rules that ensure the following:

⁹ *Id.* at 9.

¹⁰ *Id.* at 23.

- **SPD must abide by a specific and restricted purpose of use:** The ordinance should define a specific purpose of use for KCSO's helicopters and FLIR technology, and any SPD use of KCSO's helicopters and FLIR technology and data collected with these technologies must be restricted to that specific purpose.
- **SPD must adopt processes to ensure it is not targeting diverse neighborhoods.** The ordinance should prohibit SPD from using KCSO's helicopters and FLIR technology to disproportionately surveil communities of color and other historically over-policed communities.
- **SPD must protect the privacy of individuals unrelated to a specific search or investigation.** The ordinance should require SPD to redact or delete information collected that may compromise the privacy of individuals not related to a specific search or investigation, restricted by the purpose of use.
- **SPD must produce a publicly available annual report detailing its use of KCSO helicopters and FLIR technology.** The ordinance should require that SPD produce an annual report including details on how SPD used the data collected, the amount of data collected, for how long data were retained and in what form, where the data are stored, and the neighborhoods over which KCSO helicopters and/or FLIR technology were deployed.

Video Recording Systems

Background

SPD uses two cameras systems to record and/or monitor members of the public within SPD interview rooms, Blood Alcohol Collection (BAC) rooms, and precinct holding cells: Genetec Video Management System and Milestone Systems XProtect Video Management Software and Products.

Genetec Video Management System is a permanently installed system primarily used to record in-person interactions and interviews with crime victims, witnesses, and suspects in seven designated interview rooms located at the SPD headquarters in the Seattle Justice Center. This system is used to create a video record of interviews for the purposes of use in criminal justice proceedings. Milestone Systems XProtect Video Management Software and Products is a permanently installed system in SPD's Blood Alcohol Collection (BAC) rooms and precinct holding cells. They record continuously all activity in those locations.¹¹

SPD's use of these video recording systems can pose threats to people's privacy and civil liberties if used without adequate safeguards. The SIR does not provide adequate purpose limitations regarding SPD's use of these technologies, does not include full details of the capabilities of these systems, and does not adequately specify technical and procedural safeguards to prevent improper viewing.

¹¹ Seattle Police Department, *2020 Surveillance Impact Report: Video Recording Systems (Interview, Blood-Alcohol Collection Room, and Precinct Holding Cell Audio)*, CITY OF SEATTLE, at 4, https://www.seattle.gov/Documents/Departments/Tech/Privacy/Video%20Recording%20Systems%20Public_Engagement%20SIR.pdf (last visited Nov. 5, 2020).

collection, or storage of the images or video footage.

Specific Concerns

- **There are inadequate policies defining purpose of use.** Section 4.9 of the SIR asks, “What are acceptable reasons for access to the equipment and/or data collected?”¹² The response does not specifically detail how and for what purpose the equipment and/or data collected from the equipment may be used.
- **The capabilities of the Genetec and Milestone systems are unclear.** SPD does not provide links or attachments providing specific details about either of the systems they use. Both Genetec¹³ and Milestone¹⁴ advertise facial recognition systems that may be integrated with its video management systems.
- **It is unclear how data are collected, stored, and protected.** The SIR does not make clear whether SPD stores the data they receive in the Digital Evidence Management System or Evidence.com, a cloud-based digital evidence platform owned by Axon. The SIR simply references SPD policy 7.110 – Recorded Statements, which states that data may be uploaded to the Digital Evidence Management System (DEMS) or Evidence.com.¹⁵ Additionally, the SIR does not include information about the security practices SPD follows to protect the privacy of members of the public who are recorded by the Genetec and Milestone video management systems. Finally, the SIR does not specify who has permission to modify the pan, tilt, and/or zoom of the cameras.

Outstanding Questions

- Does SPD use a Genetec or Milestone partner add-on that enables facial recognition or other biometric data collection/identification?
- How are firmware/software updates applied to the Genetec systems?
- What security practices does SPD follow?
- Where does the SPD Evidence Section store the Genetec-generated recordings and Milestone recordings they receive?
- For both the Genetec and Milestone systems, who has permission to modify the pan, tilt, and/or zoom of the cameras?

¹² *Id.* at 12.

¹³ *Security Center Omnicast IP video surveillance*, GENETEC, <https://resources.genetec.com/video-modules-and-add-ons/omnicast-ip-video-surveillance> (last visited Nov. 5, 2020).

¹⁴ *Dahua Face Recognition Plugin for Milestone VMS*, MILESTONE, <https://www.milestonesys.com/marketplace/zhejiang-dahua-technology-co.-ltd/dahua-face-recognition-plugin-for-milestone-vms/> (last visited Nov. 5, 2020); *Id-Guard Face Recognition Plugin*, MILESTONE, <https://www.milestonesys.com/marketplace/ll-recfaces/id-guard-face-recognition-plugin/> (Nov. 5, 2020).

¹⁵ Seattle Police Department, *Seattle Police Department Manual: 7.110 - Recorded Statements*, CITY OF SEATTLE (Oct. 1, 2020), <https://www.seattle.gov/police-manual/title-7---evidence-and-property/7110---recorded-statements>.

Recommendations for Regulation

At this stage, pending answers to the questions above, we can make only preliminary recommendations for the regulation of SPD's use of video recording systems. We recommend that the Council adopt, via ordinance, at a minimum, clear and enforceable rules that ensure the following:

- **SPD must abide by a specific and restricted purpose of use:** The ordinance should define a specific purpose of use for any video recording systems used by SPD, and any use must be restricted to that specific purpose.
- **SPD must not use any video recording systems that have capabilities beyond what is strictly necessary to fulfill the purpose of use (e.g., recording custodial interrogations).** The ordinance should prohibit incorporating additional services such as facial recognition systems with the video recording systems.

Situational Awareness Cameras Without Recording

Background

SPD uses four types of portable cameras to observe both public and private areas during tactical operations. The four types of cameras and their vendors are:

- Robot-mounted cameras – RoboteX
- Pole-mounted cameras – Tactical Electronics & Smith and Wesson
- Placeable cameras – Remington & Tactical Electronics
- Throwable cameras – Remington & Tactical Electronics¹⁶

SPD's use of these situational awareness cameras can pose threats to people's privacy and civil liberties if used without adequate safeguards. The SIR does not provide adequate purpose limitations regarding SPD's use of these technologies, does not include full details of the capabilities of the cameras, and does not adequately specify technical and procedural safeguards to prevent improper viewing, collection, or storage of the images or video footage.

Specific Concerns

- **There are inadequate policies defining purpose of use.** Section 4.9 of the SIR asks, "What are acceptable reasons for access to the equipment and/or data collected?" The response states: "The decision to use situational awareness cameras is made on a case-by-case basis. These devices allow officers to monitor a subject or watch situation from a position of safety and distance. Absent exigent circumstances, a signed warrant is obtained prior to the use of this technology in any protected area."¹⁷ This response does not

¹⁶ Seattle Police Department, *2020 Surveillance Impact Report: Situational Awareness Cameras Without Recording*, CITY OF SEATTLE, at 5, https://www.seattle.gov/Documents/Departments/Tech/Privacy/Situational%20Awareness%20Cameras%20Public_Engagement%20SIR.pdf (last visited Nov. 5, 2020).

¹⁷ *Id.* at 8.

provide a clear and limited purpose for which this technology may or may not be used. While SPD's response states that a warrant is obtained prior to use of the cameras in protected areas, such as inside a home, it does not state the specific purposes for which SPD may or may not use the cameras without a warrant.

- **The capabilities of the situational awareness cameras are unclear.** The SIR does not provide manuals or the complete model names and/or numbers of each of the camera technologies. During the October 28 public engagement meeting, SPD stated that their situational awareness cameras do not support recording. However, the vendor websites advertise situational awareness cameras that do support recording. For example, the Tactical Electronics Core Monitor,¹⁸ Pole Camera,¹⁹ and Under Door Camera²⁰ can either take photos, record video, and/or record audio.
- **It is unclear what technical and procedural safeguards are in place to prevent the improper viewing, collection, and storage of images.** During the October 28 public engagement meeting, SPD stated that there is no way that images, video, or audio footage could be collected and stored. In order to verify that information, SPD must provide detailed information about the technologies it uses as stated above. Additionally, even if the cameras themselves cannot record footage, it is unclear if there are policies and procedures in place to prevent live-streamed situational camera footage from being recorded via a different device.

Outstanding Questions

- What are the complete model names/numbers for each of the equipment in scope for the Situational Awareness Cameras?
- What technical safeguards are in place to prevent the storage/retention of images?
- 7.3 of Situational Awareness Cameras SIR states "[the SWAT Unit] have mitigated the risk of improper viewing of the protected areas." How specifically have they mitigated the risk?
- What (if any) sections of the SPD Manual specifically cover the use of these technologies by SWAT?

Recommendations for Regulation

At this stage, pending answers to the questions above, we can only make preliminary recommendations for the regulation of SPD's use of situational awareness cameras. We recommend that the Council adopt, via ordinance, at a minimum, clear and enforceable rules that ensure the following:

¹⁸ *Core Monitor*, TACTICAL ELEC., <https://www.tacticalectronics.com/product/core-monitor/> (last visited Nov. 5, 2020).

¹⁹ *Core Pole Camera*, TACTICAL ELEC., <https://www.tacticalectronics.com/product/core-pole-camera/> (last visited Nov. 5, 2020).

²⁰ *Core Under Door Camera*, TACTICAL ELEC., <https://www.tacticalectronics.com/product/core-under-door-camera/> (last visited Nov. 5, 2020).

- **SPD must abide by a specific and restricted purpose of use:** The ordinance should define a specific purpose of use for situational awareness cameras used by SPD, and any use must be restricted to that specific purpose.
- **SPD must not use any situational awareness cameras that have capabilities beyond what is strictly necessary to fulfill the purpose of use defined by the ordinance.** The ordinance should prohibit SPD from using cameras that have facial recognition or recording capabilities.
- **SPD must adopt technical and procedural safeguards to prevent misuse of the situational awareness cameras.** The ordinance should require SPD adopt safeguards that prevent use of the cameras or the footage streamed from the cameras for purposes beyond what is defined in the ordinance.

Thank you for your consideration of our comments and for facilitating this public review process.

Sincerely,

Jennifer Lee
Technology and Liberty Project Manager

Appendix E: CTO Notification of Surveillance Technology

Thank you for your department's efforts to comply with the new Surveillance Ordinance, including a review of your existing technologies to determine which may be subject to the Ordinance. I recognize this was a significant investment of time by your staff; their efforts are helping to build Council and public trust in how the City collects and uses data.

As required by the Ordinance (SMC 14.18.020.D), this is formal notice that the technologies listed below will require review and approval by City Council to remain in use. This list was determined through a process outlined in the Ordinance and was submitted at the end of last year for review to the Mayor's Office and City Council.

The first technology on the list below must be submitted for review by March 31, 2018, with one additional technology submitted for review at the end of each month after that. The City's Privacy Team has been tasked with assisting you and your staff with the completion of this process and has already begun working with your designated department team members to provide direction about the Surveillance Impact Report completion process.

Please let me know if you have any questions.

Thank you,

Michael Mattmiller

Chief Technology Officer

Technology	Description	Proposed Review Order
Automated License Plate Recognition (ALPR)	ALPRs are computer-controlled, high-speed camera systems mounted on parking enforcement or police vehicles that automatically capture an image of license plates that come into view and converts the image of the license plate into alphanumeric data that can be used to locate vehicles reported stolen or otherwise sought for public safety purposes and to enforce parking restrictions.	1
Booking Photo Comparison Software (BPCS)	BCPS 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 identify the person in the picture to further investigate his or her involvement in the crime. Use of BPCS is governed by SPD Manual §12.045 .	2
Forward Looking Infrared Real-time video (FLIR)	Two King County Sheriff’s Office helicopters with Forward Looking Infrared (FLIR) send a real-time microwave video downlink of ongoing events to commanders and other decision-makers on the ground, facilitating specialized radio tracking equipment to locate bank robbery suspects and provides a platform for aerial photography and digital video of large outdoor locations (e.g., crime scenes and disaster damage, etc.).	3

Technology	Description	Proposed Review Order
Undercover/ Technologies	<p>The following groups of technologies are used to conduct sensitive investigations and should be reviewed together.</p> <ul style="list-style-type: none"> • Audio recording devices: A hidden microphone to audio record individuals without their knowledge. The microphone is either not visible to the subject being recorded or is disguised as another object. Used with search warrant or signed Authorization to Intercept (RCW 9A.73.200). • Camera systems: A hidden camera used to record people without their knowledge. The camera is either not visible to the subject being filmed or is disguised as another object. Used with consent, a search warrant (when the area captured by the camera is not in plain view of the public), or with specific and articulable facts that a person has or is about to be engaged in a criminal activity and the camera captures only areas in plain view of the public. • Tracking devices: A hidden tracking device carried by a moving vehicle or person that uses the Global Positioning System to determine and track the precise location. U.S. Supreme Court v. Jones mandated that these must have consent or a search warrant to be used. 	<p>4</p>
Computer-Aided Dispatch (CAD)	<p>CAD is used to initiate public safety calls for service, dispatch, and to maintain the status of responding resources in the field. It is used by 911 dispatchers as well as by officers using mobile data terminals (MDTs) in the field.</p>	<p>5</p>

Technology	Description	Proposed Review Order
CopLogic	System allowing individuals to submit police reports on-line for certain low-level crimes in non-emergency situations where there are no known suspects or information about the crime that can be followed up on. Use is opt-in, but individuals may enter personally-identifying information about third-parties without providing notice to those individuals.	6
Hostage Negotiation Throw Phone	A set of recording and tracking technologies contained in a phone that is used in hostage negotiation situations to facilitate communications.	7
Remotely Operated Vehicles (ROVs)	These are SPD non-recording ROVs/robots used by Arson/Bomb Unit to safely approach suspected explosives, by Harbor Unit to detect drowning victims, vehicles, or other submerged items, and by SWAT in tactical situations to assess dangerous situations from a safe, remote location.	8
911 Logging Recorder	System providing networked access to the logged telephony and radio voice recordings of the 911 center.	9
Computer, cellphone and mobile device extraction tools	Forensics tool used with consent of phone/device owner or pursuant to a warrant to acquire, decode, and analyze data from smartphones, tablets, portable GPS device, desktop and laptop computers.	10
Video Recording Systems	These systems are to record events that take place in a Blood Alcohol Concentration (BAC) Room, holding cells, interview, lineup, and polygraph rooms recording systems.	11
Washington State Patrol (WSP) Aircraft	Provides statewide aerial enforcement, rapid response, airborne assessments of incidents, and transportation services in support of the Patrol's public safety mission. WSP Aviation currently manages seven aircraft equipped with FLIR cameras. SPD requests support as needed from WSP aircraft.	12

Technology	Description	Proposed Review Order
Washington State Patrol (WSP) Drones	WSP has begun using drones for surveying traffic collision sites to expedite incident investigation and facilitate a return to normal traffic flow. SPD may then request assistance documenting crash sites from WSP.	13
Callyo	This software may be installed on an officer's cell phone to allow them to record the audio from phone communications between law enforcement and suspects. Callyo may be used with consent or search warrant.	14
I2 iBase	The I2 iBase crime analysis tool allows for configuring, capturing, controlling, analyzing and displaying complex information and relationships in link and entity data. iBase is both a database application, as well as a modeling and analysis tool. It uses data pulled from SPD's existing systems for modeling and analysis.	15
Parking Enforcement Systems	Several applications are linked together to comprise the enforcement system and used with ALPR for issuing parking citations. This is in support of enforcing the Scofflaw Ordinance SMC 11.35 .	16
Situational Awareness Cameras Without Recording	Non-recording cameras that allow officers to observe around corners or other areas during tactical operations where officers need to see the situation before entering a building, floor or room. These may be rolled, tossed, lowered or throw into an area, attached to a hand-held pole and extended around a corner or into an area. Smaller cameras may be rolled under a doorway. The cameras contain wireless transmitters that convey images to officers.	17
Crash Data Retrieval	Tool that allows a Collision Reconstructionist investigating vehicle crashes the opportunity to image data stored in the vehicle's airbag control module. This is done for a vehicle that has been in a crash and is used with consent or search warrant.	18

Technology	Description	Proposed Review Order
Maltego	An interactive data mining tool that renders graphs for link analysis. The tool is used in online investigations for finding relationships between pieces of information from various sources located on the internet.	19

Please let me know if you have any questions.

Thank you,

Michael

2020 Surveillance Impact Report Executive Overview

Video Recording Systems

Seattle Police Department

April 13th, 2021

Version 1

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 Video Recording Systems (including Interview, Blood-Alcohol Collection Room, and Precinct Holding Cell Audio). 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

SPD has two camera systems used to record and/or monitor members of the public within specific, secure locations in SPD facilities.

The first is the Genetec Video Management System. It is a permanently installed, non-mobile unconcealed audio and video recording system primarily used to record in-person interactions with and interviews of crime victims, witnesses, and suspects in seven designated interview rooms located at the SPD headquarters in the Seattle Justice Center. The system also provides a live video-only view of these interview rooms. The video-only live view is used to monitor, short term, members of the community who are in the interview rooms when no SPD detective is present. This system is used to create a video record of interviews for the purposes of use in criminal justice proceedings.

The second is Milestone Systems XProtect Video Management Software and Products. These are permanently installed in SPD's Blood Alcohol Collection (BAC) rooms and precinct holding cells. They record continuously all activity in those locations.

2.0 Purpose

Operational Policy: This technology is used in adherence with [SPD Policy 7.110](#) which governs recorded statements.

The Genetec Video Management System is used to create a video record of interviews for the purposes of use in criminal justice proceedings. The live video-only view of interview rooms is used to monitor, short term, members of the community who are in the interview rooms when no SPD detective is present.

The Milestone Systems XProtect Video Management System is permanently installed in SPD's Blood Alcohol Collection (BAC) rooms and precinct holding cells. They record continuously all activity in those locations.

These technologies are used to record members of the public who are being interviewed or having their blood alcohol levels tested or are placed in precinct holding cells. If used out of policy, improperly, or without proper notification, this technology could potentially be used to make recordings that infringe on public privacy.

Though the State of Washington is not one of the 26 states that requires the recording of custodial interrogations, many law enforcement agencies and criminal justice system watchdogs, such as the Innocence Project, highly recommend the practice. Benefits include: preventing disputes about how an officer conducted the interview or treated a suspect or victim; creating a record of statements made by a suspect that may capture subtle details missed in real-time; reducing false confessions; and enhancing public confidence in the practices of SPD. Creating a visual record of activities that occur within the BAC rooms and precinct holding cells also provides a measure of accountability for both SPD and involved community members.

3.0 Data Collection and Use

Operational Policy: This technology is used in adherence with [SPD Policy 7.110](#) which governs recorded statements.

These technologies record only the images and sounds that occur during an SPD interview of a witness, victim, or suspect, and activity in BAC rooms and precinct holding cells.

When used as evidence, the file is stored on a high-quality evidence grade DVD+R disc. This evidence grade disc is then submitted into the SPD Evidence Section as a standard item of evidence. Standard evidence retention/disposition rules are then followed.

These technologies record only the images and sounds that occur during an SPD interview of a witness, victim, or suspect, and activity in BAC rooms and precinct holding cells.

Genetec (Interview rooms): The detective(s) conducting the interview activates the recording system for the appropriate room with a manual switch. The detective then advises the interview subject of the audio recording acquiring implied consent, or explicitly asks for permission to record per [SPD Policy 7.110 – Recorded Statements](#). At the conclusion of the interview or blood draw, or when the subject leaves the room, the recording is terminated by the detective or officer. The detective then exports the recording from the server on one of the two designated computer workstations and creates a copy of the recording for permanent storage on a special high-quality evidence grade DVD+R disc. This evidence grade disc is then submitted into the SPD Evidence Section as a standard item of evidence.

Milestone (BAC rooms and precinct holding cells): The Milestone systems is continuously recording in the BAC rooms and precinct holding cells. In the event that an investigation (including SPD internal investigations) needs to view the video, a request must be made to the SPD Video Unit who will locate the specific time and location video requested and provide the investigator with a DVD containing the file.

Signage is clearly posted in all SPD precincts indicating that audio and video surveillance is in progress. These signs are posted both at the entrances to holding cells and inside holding cells and blood alcohol collection areas.

Consent is required before these technologies may be used. [RCW 9.73.030](#) Intercepting, recording or divulging private communication – Consent required – Exceptions. Also known as “All party consent”. Standard procedure dictates that interview subjects are always advised of the presence of the recording or asked for their permission to record. Any recording made of an interview subject without consent would be inadmissible and could possibly subject the SPD personnel to an internal conduct assessment and possibly criminal charges.

4.0 Data Minimization & Retention

Operational Policy: These technologies record only the images and sounds that occur during an SPD interview of a witness, victim, or suspect, and activity in BAC rooms and precinct holding cells. These technologies are permanently mounted and do not record any information outside of these parameters.

Both the Genetec and Milestone systems retain recordings for 90 days before they are automatically and systematically deleted from the server.

Genetec (interview rooms): The original recordings are stored on a proprietary Genetec server that is located in a secure server room located in SPD HQ. The long-term storage copy produced by the detective is retained at the SPD Evidence Section following standard evidence retention rules.

Milestone (BAC rooms and precinct holding cells): Individual local servers are securely located all SPD precincts.

5.0 Access & Security

Operational Policy: Only authorized SPD users can access the system, technology, or the data. Access to the application is limited to SPD personnel via password-protected login credentials.

SPD complies with [CJIS Security Policy](#) guidelines for the secure storage of the data.

Access

The primary reason for access to the data collected by both the Genetec and Milestone systems is to investigate crimes, aid in the prosecution of criminals, and monitor subjects inside SPD facilities. Additionally, these systems are used to monitor internal SPD operations and document police activities.

Only authorized SPD users can access the system, technology, or the data. Access to the application is limited to SPD personnel via password-protected login credentials. Logs of system activity are kept for both automatic system functions and user actions which provide an audit trail to safeguard against potential unauthorized access to stored information.

The entire system is located on the SPD network which is protected by industry standard firewalls. The Seattle IT Department performs routine monitoring of the SPD network.

All SPD employees are backgrounded and access is controlled by SPD Manual Title 12 provisions governing Department Information Systems including:

- [SPD Policy 12.040 - Department-Owned Computers, Devices & Software](#)
- [SPD Policy 12.050 - Criminal Justice Information Systems](#)
- [SPD Policy 12.080 – Department Records Access, Inspection & Dissemination](#)
- [SPD Policy 12.110 – Use of Department E-mail & Internet Systems](#)
- [SPD Policy 12.111 – Use of Cloud Storage Services.](#)

Security

SPD’s Audit, Policy and Research Section (APRS) can conduct an audit of the any and all systems at any time. The Office of Inspector General and the federal monitor can also access all data and audit for compliance at any time.

ITD client services interaction with SPD systems is governed according to the terms of the 2018 Management Control Agreement between ITD and SPD, which states that:

“Pursuant to Seattle Municipal Code (SMC) 3.23, ITD provides information technology systems, services and support to SPD and is therefore required to support, enable, enforce and comply with SPD policy requirements, including the FBI’s Criminal Justice Information Services, (CJIS) Security Policy.”

Per the [CJIS Security Policy](#):

5.8.3 Digital Media Sanitization and Disposal The agency shall sanitize, that is, overwrite at least three times or degauss digital media prior to disposal or release for reuse by unauthorized individuals. Inoperable digital media shall be destroyed (cut up, shredded, etc.). The agency shall maintain written documentation of the steps taken to sanitize or destroy electronic media. Agencies shall ensure the sanitization or destruction is witnessed or carried out by authorized personnel.

5.8.4 Disposal of Physical Media Physical media shall be securely disposed of when no longer required, using formal procedures. Formal procedures for the secure disposal or destruction of physical media shall minimize the risk of sensitive information compromise by unauthorized individuals. Physical media shall be destroyed by shredding or incineration. Agencies shall ensure the disposal or destruction is witnessed or carried out by authorized personnel.

6.0 Data Sharing and Accuracy

Operational Policy: No person, outside of SPD and Seattle IT, has direct access to the application or the data.

Data obtained from the system may be shared outside SPD with the other agencies, entities, or individuals within legal guidelines or as required by law.

Data 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

Data 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.

SPD shares data with authorized researchers pursuant to properly execute research and confidentiality agreements as provide by [SPD Policy 12.055](#). This sharing may include discrete pieces of data related to specific investigative files collected by the system.

7.0 Equity Concerns

Operational Policy: [SPD Policy 7.110 – Recorded Statements](#) forbids SPD personnel from making such recordings without consent, except in specific exigent circumstances without proper warrant. Additionally, SPD policies, including [SPD Policy 6.060 - Collection of Information for Law Enforcement Purposes](#) also 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.

The Genetec system (Interview rooms) is located at SPD Headquarters. The Milestone system (BAC rooms and precinct holding cells) is located at all SPD precincts throughout the City of Seattle.

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. [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. The video systems described in this report are permanently installed inside SPD facilities and record individuals who are interacting with SPD personnel or are being held in precinct holding cells.

The most important unintended possible consequence related to the continued utilization of the Genetec and Milestone camera systems by SPD is the potential that members of the public will be recorded without their consent. [SPD Policy 7.110 – Recorded Statements](#) forbids SPD personnel from making such recordings without consent, except in specific exigent circumstances without proper warrant. Additionally, SPD policies, including [SPD Policy 6.060 - Collection of Information for Law Enforcement Purposes](#) also 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.

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
SPD / ITD	Rebecca Boatwright / Vinh Tang	Neal Capapas/206-684-5292

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to surveillance technology implementation; authorizing approval of uses and accepting the 2020 surveillance impact report and 2020 executive overview for the Seattle Police Department’s use of Video Recording Systems.

Summary and background of the Legislation: Per SMC Chapter 14.18 (also known as the Surveillance Ordinance), authorizing the approval of the surveillance impact reports for Seattle Police Department’s continued use of Video Recording Systems.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes X No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes X No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

This technology is currently in use by the Seattle Police Department and no additional costs, either direct or indirect, will be incurred based on the continued use of the technology. However, should it be determined that SPD should cease use of the technology, there would be costs associated with decommissioning the technology. Additionally, there may be potential financial penalties related to breach of contract with the technology vendor(s).

Is there financial cost or other impacts of *not* implementing the legislation?

Per the Surveillance Ordinance, the City department may continue use of the technology until legislation is implemented. As such, there are no financial costs or other impacts that would result from not implementing the legislation.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

This legislation does not affect other departments.

b. Is a public hearing required for this legislation?

A public hearing is not required for this legislation.

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No publication of notice is required for this legislation.

d. Does this legislation affect a piece of property?

This legislation does not affect a piece of property.

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

The Surveillance Ordinance in general is designed to address civil liberties and disparate community impacts of surveillance technologies. The Surveillance Impact Review included in the attachments, as required by the Surveillance Ordinance, includes a Racial Equity Toolkit review adapted for this purpose.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

No.

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

No.

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?

There is no new initiative or programmatic expansion associated with this legislation. It approves the continuation of use for the specific technology under review.

April 29, 2021

MEMORANDUM

To: Transportation and Utilities Committee
From: Lise Kaye, Analyst
Subject: Council Bill 120055 - Authorizing approval of uses and accepting the surveillance impact report for the Seattle Police Department's use of Video Recording Systems

On Wednesday, April 7, 2021 the Transportation and Utilities Committee will discuss [Council Bill \(CB\) 120055](#). The bill is intended to meet the requirements of [Seattle Municipal Code Chapter 14.18](#), Acquisition and Use of Surveillance Technologies.¹ (Attachment 1 to this memo summarizes these requirements and process by which the Executive develops the required Surveillance Impact Reports.) CB 120055 would approve the Seattle Police Department's (SPD's) continued use of existing Video Recording Systems and accept the Surveillance Impact Report (SIR) and an Executive Overview for this technology. The Executive Overview summarizes the operational policy statements which represent SPD's allowable uses of the Video Recording Systems.

This memo describes the Video Recording Systems and summarizes the potential civil liberties impacts, potential disparate impacts on historically targeted communities and vulnerable populations, and the public engagement process, as reported in the SIR. It also summarizes key concerns and recommendations from the Community Surveillance Working Group's Impact Assessment and the Chief Technology Officer's response ("CTO's Response) to the Impact Assessment. Finally, the memo identifies policy issues for Council consideration.

Video Recording Systems

SPD's SWAT (Special Weapons and Tactics) unit uses two camera systems to record and/or monitor individuals within SPD interview rooms, blood-alcohol collection rooms and precinct holding cells:

- Genetec Video Management System – unconcealed audio and video recording system used to record in-person interactions with and interviews of crime victims, witnesses, and suspects in seven interview rooms located at the SPD headquarters; and video-only view to monitor individuals in interview rooms when no SPD detective is present.
- Milestone Systems XProtect Video Management Software and Products – permanently installed and continuously recording all activity in SPD's blood alcohol collection rooms and precinct holding cells.

As described in the SIR, prior to conducting an interview, a detective will either advise the interview subject of the audio recording or the detective will explicitly ask for permission to record the interview.² SPD also posts signs advising of active video and audio surveillance at the

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

² Chapter 9.73.030(3) RCW: Where consent by all parties is needed pursuant to this chapter, consent shall be considered obtained whenever one party has announced to all other parties engaged in the communication or

entrances to and inside holding cells and blood alcohol collection areas at each precinct. Example signs shown in the SIR are in English, but SPD is working to ensure that all locations use the same multi-lingual or pictographic signage. SPD shares data from the video recording systems with attorneys and courts, if associated with criminal prosecutions; in response to a public records request; or with authorized researchers. Although not specifically cited in the SIR, [SPD Policy 10.060 – Holding Cell and Security Video](#), also describes access, signage and maintenance protocols for SPD’s video systems, including holding cells and blood alcohol collection rooms.

Both the Genetec and the Milestone systems delete recordings from the server after 90 days, but recordings from interview rooms are preserved storage in SPD’s evidence section, following “standard evidence retention rules.”³ Per SPD [Policy 7.110\(3\)](#), SPD employees may also temporarily store the recordings on a department computer “to meet an operational need” after they have been uploaded to SPD’s digital evidence site, but the employee must remove the statement from the Department computer when it is no longer needed.

Civil Liberties and Potential Disparate Impacts on Historically Marginalized Communities

Departments submitting a SIR identify potential civil liberties impacts and complete an adapted version of the Racial Equity Toolkit (RET) to highlight and mitigate impacts on racial equity from the use of the technology. The RET identifies a potential civil liberties impact arising from the presence of personally identifiable and potentially sensitive personal information about community members on video or audio recordings, including information about third parties who are not present during the recordings. It also identifies over-surveillance of vulnerable or historically targeted communities as a potential civil liberties concern. SPD seeks to minimize privacy risks through [SPD Policy 6.060](#), which directs all SPD personnel that “any documentation of information concerning a person’s sexual preferences or practices, or their political or religious activities must be for a relevant reason and serve a legitimate law enforcement purpose” and through [SPD Policy 5.140](#), which forbids bias-based policing and outlines processes for reporting and documenting any suspected bias-based behavior, as well as accountability measures.

The SIR also identifies data sharing, storage and retention as having the potential to contribute to structural racism, thereby creating a disparate impact on historically targeted communities.⁴ The SIR states that SPD mitigates this risk through [SPD Policy 5.140](#), which forbids bias-based policing, and through policies regarding the dissemination of data in connection with criminal

conversation, in any reasonably effective manner, that such communication or conversation is about to be recorded or transmitted: PROVIDED, That if the conversation is to be recorded that said announcement shall also be recorded.

³ Section 8 of [Washington State’s Law Enforcement Records Retention Schedule](#) establishes minimum retention periods for records pertaining to investigation of criminal activity, agency operations and procedures, and employee conduct.

⁴ Historical community or department practices could produce data in a CAD system that would portray certain communities as higher in crime than in other neighborhoods or elevate the involvement in potential criminal events by certain demographic groups. An approach to storage, retention, and integration of these data that was not cognizant of these possibilities might allow for the continuation of these perceptions, with potential disparate enforcement responses.

prosecutions, the [Washington Public Records Act](#), and other authorized researchers. The RET does not identify metrics to be used as part of the CTO’s annual equity assessments.⁵

Public Engagement

The Executive accepted public comments on this technology from October 7 – November 7, 2020 and conducted one public meeting for this and two other “Group 3” SIRs on October 28, 2020. The SIR includes all comments pertaining to this technology received from members of the public (Appendix C), and letters from organizations or commissions (Appendix D). Comments in the six online responses and the one submitted letter expressed concern as to whether SPD uses the technology in a transparent and fair way, system security, potential system add-ons to enable biometric data collection or identification, camera operations, and distrust of the police department. One response also detailed concerns about the duration and structure of the public engagement process for the Group 3 Technologies.

Privacy and Civil Liberties Impact Assessment

The Impact Assessment prepared by the Community Surveillance Working Group (“Working Group) identified three “major issues” in its Impact Assessment, including unclear capabilities of the Video Recording Systems, lack of clarity about how data are collected, stored and protected, and the need for additional policy language “to define valid purposes of use.”

Key Concerns and the CTO’s Response. Table 1 summarizes CTO’s Response to each of the Working Group’s major issues.

Table 1. CTO Response to Privacy and Civil Liberties Impact Assessment of SPD’s use of Video Recording Systems

Working Group Key Concern	CTO Response
<p>1. The capabilities of the Genetec and Milestone systems are unclear</p>	<p>The capabilities of both the Genetec and Milestone systems are outlined in the SIR as well as the circumstances under which they are used. There are concerns regarding additional functionality that could be added to these systems or other systems with similar advanced functionality but features such as facial recognition are not in use by any system in SPD. Any material change to the functionality of these technologies would be covered under the scope of the SIR review process. Additionally, going into effect July of 2021, Washington has passed the first state law that provides regulation and oversight over facial recognition technologies (RCW 43.386). This law regulates the development, procurement, and use of a facial recognition service, and provides a similar level of transparency and review to the Seattle Surveillance Ordinance.</p>

⁵ [SMC 14.18.050B](#) requires that the CTO produce and submit to the City Council a Surveillance Technology Community Equity Impact Assessment and Policy Guidance Report that addresses whether Chapter 14.18 of the SMC is effectively meeting the goals of the Race and Social Justice Initiative, any recommended adjustments to laws and policies to achieve a more equitable outcome, and any new approaches and considerations for the SIRs.

Working Group Key Concern	CTO Response
2. Unclear how data are collected, stored, and protected	The process for how the technology is used and the treatment of the collected video is outlined in the SIR.
3. Additional policy language is necessary to define purposes of use	The specific and intended use of the technologies under review is governed by SPD Policy 7.110 –Recorded Statements . The process for how the technology is used and the treatment of the collected video is also outlined in the SIR. The capabilities and clear purpose for each system is outlined and distinguished in the review process.

Recommendations. The Impact Assessment recommends that Council adopt, “at a minimum, clear and enforceable rules that ensure, the following:

- 1. SPD must abide by a specific and restricted purpose of use:** The ordinance should define a specific purpose of use for Video Recording Systems used by SPD, and any use must be restricted to that specific purpose.
- 2. SPD must not use any Video Recording Systems that have capabilities beyond what is strictly necessary to fulfill the purpose of use (e.g. recording custodial interrogations).** The ordinance should prohibit incorporating additional services such as facial recognition systems with the video recording systems.

Table 2 describes how the SIR as drafted would address these two recommendations.

Table 2. Working Group Recommendations Addressed in the SIR

Working Group Recommendation	Whether/How Addressed in SIR
1. Define the specific purpose of use for Video Recording Systems, and restrict use to that specific purpose	Executive Overview. Operational Policies represent the only allowable uses of the equipment and data collected by this technology.
2. Prohibit use of video recording systems that have capabilities beyond what is strictly necessary to fulfill the purpose of use (e.g., recording custodial interrogations). Prohibit SPD from incorporating additional services such as facial recognition systems with the video recording systems.	The SIR does not describe whether the video recording systems have capabilities to do more than audio and/or video recording. However, use of the systems for purposes other than audio or video recording would require an update to the SIR.

Policy Considerations

Central Staff has identified the following potential policy consideration.

1. Annual equity assessment metrics. SFD has not yet finalized metrics to be used in evaluating the Video Recording Systems as part of the CTO's annual equity assessments. These assessments are intended to play a key role in determining whether the City's surveillance legislation is meeting the goals of the Race and Social Justice Initiative.

Options:

- A. Council may wish to request a report on the proposed equity assessment metrics by a date certain.
- B. Council may wish to defer approval of this SIR, pending completion of these metrics.
- C. Take no action.

Committee Action

Options for Council action are as follows:

1. Pass CB 120055 as transmitted;
2. Request Central Staff to prepare amendments to the Council Bill and/or to the SIR to address additional concerns or issues; or
3. Take no action.

Attachment:

1. Background Summary and Surveillance Impact Report Process

cc: Dan Eder, Interim Director
Aly Pennucci, Budget and Policy Manager

Attachment 1 - Background Summary and Surveillance Impact Report Process

Recent Legislative History

[Ordinance 125376](#), passed by Council on July 31, 2017, required City of Seattle departments intending to acquire surveillance technology to obtain advance Council approval, by ordinance, of the acquisition and of a surveillance impact report (SIR).¹ Departments must also submit a SIR for surveillance technology in use when Ordinance 125376 was adopted (referred to in the ordinance as “retroactive technologies”). The Executive originally included 28 “retroactive technologies,” on its [November 30, 2017 Master List](#) but revised that list to 26 in [December 2019](#). The Council has approved two SIRs and twice extended the initial March 3, 2020 deadline for completion of SIRs for all 26 technologies: first by six months to accommodate extended deliberation of the first two SIRs; and then by a second six months due to COVID-related delays. Either the Chief Technology Officer or the Council may determine whether a specific technology is “surveillance technology” and thus subject to the requirements of SMC 14.18. Each SIR must describe protocols for a “use and data management policy” as follows:

- How and when the surveillance technology will be deployed or used and by whom, including specific rules of use
- How surveillance data will be securely stored
- How surveillance data will be retained and deleted
- How surveillance data will be accessed
- Whether a department intends to share access to the technology or data with any other entity
- How the department will ensure that personnel who operate the technology and/or access its data can ensure compliance with the use and data management policy
- Any community engagement events and plans
- How the potential impact of the surveillance on civil rights and liberties and potential disparate impacts on communities of color and other marginalized communities have been taken into account; and a mitigation plan
- The fiscal impact of the surveillance technology

Community Surveillance Working Group

On October 5, 2018, Council passed [Ordinance 125679](#), amending SMC 14.18, creating a “community surveillance working group” charged with creating a Privacy and Civil Liberties Impact Assessment for each SIR.² At least five of the seven members of the Working Group

¹ As codified in SMC 14.18.030, Ordinance 125376 identified a number of exemptions and exceptions to the required Council approval, including information voluntarily provided, body-worn cameras and cameras installed in or on a police vehicle, cameras that record traffic violations, security cameras and technology that monitors City employees at work.

² Ordinance 125679 also established a March 31, 2020 deadline for submitting SIRs on technologies already in use (referred to as “retroactive technologies”) when Ordinance 125376 was passed, with provision to request a six-month extension.

Attachment 1 - Background Summary and Surveillance Impact Report Process

must represent groups that have historically been subject to disproportionate surveillance, including Seattle’s diverse communities of color, immigrant communities, religious minorities, and groups concerned with privacy and protest.³ Each Privacy and Civil Liberties Impact Assessment must describe the potential impact of the surveillance technology on civil rights and liberties and potential disparate impacts on communities of color and other marginalized communities and will be included in the SIR. Prior to submittal of a SIR to Council, the Chief Technology Officer may provide a written statement that addresses privacy rights, civil liberty or other concerns in the Working Group’s impact assessment.

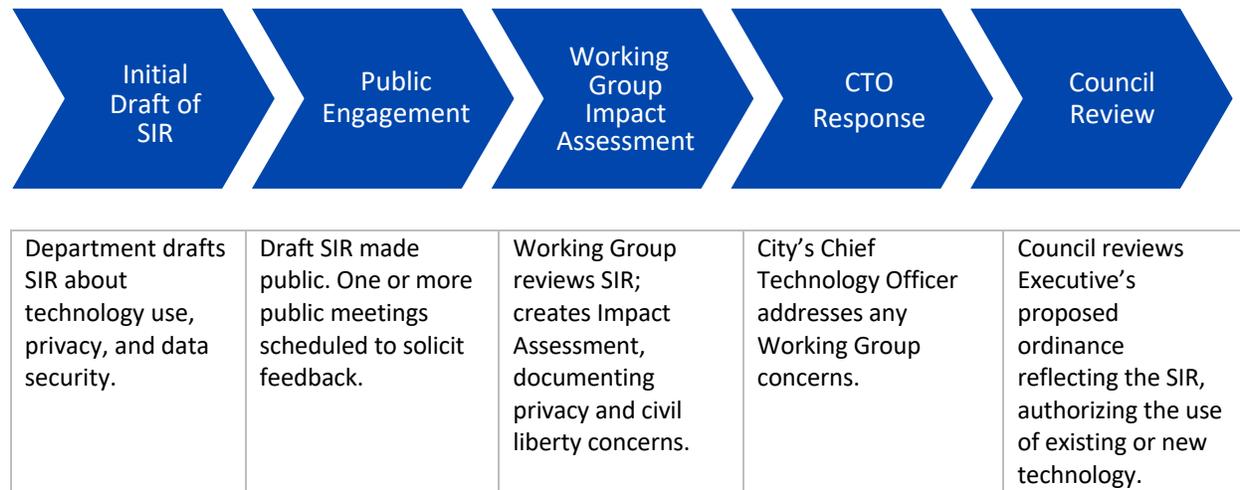
Executive Overviews

In May 2019, members of the Governance, Equity, and Technology Committee requested that IT staff prepare a summary section for each of the two lengthy SIR documents under review at that time. The Committee then accepted the resultant “Condensed Surveillance Impact Reports (CSIRs) together with the complete SIRs. The Executive has continued this practice with subsequent SIRs but has renamed the documents “Executive Overviews.” The Operational Policy Statements in the Executive Overview represent the only allowable uses of the subject technology.

SIR Process

Chart 1 is a visual of the SIR process from inception to Council Review:

Chart 1. Surveillance Impact Report (SIR) Process



³ The Mayor appoints four members and Council appoints three members.

Group 3 Surveillance Impact Reports (SIRs) CB 120053, CB 120054, & CB 120055

Transportation & Utilities Committee

May 5, 2021

Surveillance Impact Report (SIR) Overview

- 2017: [Ordinance 125376](#) took effect Sept 4th, revising the law to address the intended use of technologies with potential to impact civil liberties
- 2018: [Ordinance 125679](#) amended Ordinance 125376 and Chapter 14.18 of the Seattle Municipal Code and added external Community Surveillance Working Group
- 9/23/19: Group 1 SDOT SIR legislation passed ([Ordinance 125936](#))
- 1/20/21: Presented Overview of Surveillance Ordinance at the Transportation and Utilities Committee
- 1/26/21: Group 2 SIR legislation transmitted to City Clerk
- 2/22/21: Group 3 SIR legislation transmitted to City Clerk
- 3/03/21, 3/17/21, 4/07/21: Group 2 SIR briefing/discussion/vote at Transportation and Utilities Committee
- **3/22/21: Group 2 SCL & SFD SIR legislation passed ([Ordinance 126294](#) & [Ordinance 126295](#))**
- 4/12/21: Clerk filing of Group 4 SIR Extension Memo & Revised Master List of Surveillance Technologies
- **4/19/21: Group 2 SPD SIR legislation passed ([Ordinance 126311](#), [126312](#), [126313](#), [126314](#), [126315](#))**

28 total
technologies

Group	Depts.	28 Technologies		Council Bill	Status
Group 1 (2)	SDOT	<ul style="list-style-type: none"> License Plate Readers Closed Circuit Television Equipment "Traffic Cameras" 		CB 119519 CB 119519	Completed
Group 2 (9)	SCL SFD SPD	<ul style="list-style-type: none"> Binoculars/Spotting Scope Check Meter Device SensorLink Amp Fork Computer-Aided Dispatch 911 Logging Recorder Automated License Plate Reader Parking Enforcement Systems including Automated License Plate Reader Computer-Aided Dispatch CopLogic 		CB 120002 CB 120002 CB 120002 CB 120003 CB 120004 CB 120005 CB 120006 CB 120007 CB 120008	Completed
Group 3 (3)	SPD	<ul style="list-style-type: none"> Forward Looking Infrared Real-time video (FLIR) Situational Awareness Cameras Without Recording Video Recording Systems 		CB 120053 CB 120054 CB 120055	In Committee
Group 4A (7)	SFD SDOT SPD	<ul style="list-style-type: none"> Emergency Scene Cameras, Hazmat Camera Acyclica Audio Recording Systems, Callyo, I2 iBase, Maltego 			Est. August Est. August Est. December
Group 4B (7)	SPD	<ul style="list-style-type: none"> Camera systems; Tracking Devices; Remotely Operated Vehicles (ROVs); Hostage Negotiation Throw Phone; Crash Data Retrieval; GeoTime; Computer, cellphone and mobile device extraction tools 			Est. December

Group 3 SIR Public Engagement

- Group 3 Surveillance Technologies Public Meeting on 10/28/2020
- One Page Flyers
- Online Public Comment Meeting
 - Recorded and posted online

Engagement Method	(Approximate) Number of Individuals Participating	Number of Comments Received	Number of Questions Received
Public Meeting	15	-	15
Online Comments	38	38	-
Letters	1	1	-
Total	54	39	15

Group 3 SIR Technologies

Seattle Police Department

SEATTLE
CITY HALL

Seattle Police Department Mission

- Prevent crime;
- Enforce the law, and
- Support quality public safety by delivering respectful, professional and dependable police services.

Group 3 SIR Technologies

Group 3 Surveillance Impact Reports

- 1**

[CB 120053](#)
Forward Looking Infrared Real-time video (FLIR)

This technology provides a platform for aerial photography and digital video of large outdoor locations (e.g., crime scenes and disaster damage, etc.) through King County Sheriff's Air Support Unit helicopters.
- 2**

[CB 120054](#)
Situational Awareness Cameras Without Recording

Portable cameras that allow officers to observe around corners or other areas during operations where officers need to see the situation before entering an area of concern.
- 3**

[CB 120055](#)
Video Recording Systems at SPD Facilities

These systems record events that take place in a Blood Alcohol Collection (BAC) Room, precinct holding cells, interview, and lineup rooms.

Forward Looking Infrared Real-Time Video (FLIR)

What is the technology?

- Two King County Sheriff's Office helicopters with Forward Looking Infrared (FLIR) send a real-time video feed of ongoing events to commanders on the ground.
- This technology provides a platform for aerial photography and digital video of large outdoor locations (e.g., crime scenes and disaster damage, etc.).

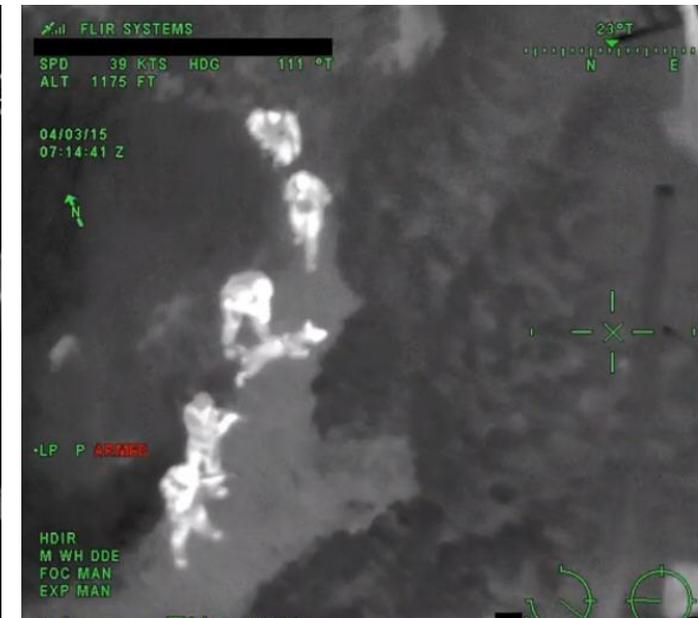
Why do we use the technology?

- Rapid response to crime or disaster scenes.
- Provides a bird's eye view of events happening on the ground.
- FLIR technology allows for subjects to be detected even when obscured by haze or darkness.



FLIR – How It Works

- King County Sheriff's Air Support Unit is operated by the King County Sheriff's Office and is available to assist the Seattle Police Department at no charge through the Puget Sound Regional Aviation Project and the Seattle Urban Area Security Initiative (UASI).
- FLIR systems use heat emitted by subjects and objects to provide enhancement to images of active scenes.
- The FLIR systems cannot see into homes or other structures.



FLIR – Policies Governing Use

- King County Sheriff's Office Air Support Unit (SPD Policy 16.060)
- Evidence (SPD Policy 7.090)
- Access to criminal justice information and records (SPD policies 12.050 and 12.080)
- Use of department email and internet (SPD Policy 12.110)
- Use of cloud storage services (SPD policy 12.111)
- <http://www.seattle.gov/police-manual>

Situational Awareness Cameras Without Recording

What is the technology?

- Portable cameras that allow officers to observe around corners or other areas during tactical operations where officers need to see the situation before entering an area of concern. These may be lowered or thrown into position, attached to a hand-held pole and extended around a corner or into an area. The cameras contain wireless transmitters that send images to officers.

Why do we use the technology?

- SPD's tactical units use situational awareness cameras to assess potentially dangerous situations from a safe location.
- These cameras allows SPD to view surroundings and gain additional information prior to entering a location, providing additional safety and security to SPD personnel, the subjects of the observation, and other members of the community.



Situational Awareness Cameras Without Recording – How They Work

- Only members of SWAT are authorized to use this equipment and are specifically trained in their use.
- These cameras may be lowered or thrown into position, attached to a hand-held pole and extended around a corner or into an area. The cameras contain wireless transmitters that send images to nearby officers.
- No recordings are made using these cameras.



Situational Awareness Cameras Without Recording – Policies Governing Use

- Bias-Free Policing (SPD Policy 5.140)
- Standards and Duties (SPD Policy 5.001)
- Specialty Vehicles & Equipment (SPD policies 13.060)
- <http://www.seattle.gov/police-manual>

Video Recording Systems at SPD Facilities

What is the technology?

- SPD has two camera systems used to record and/or monitor members of the public within specific, secure locations in SPD facilities.
- These systems record events that take place in a Blood Alcohol Collection (BAC) Room, precinct holding cells, interview, and lineup rooms.

Why do we use the technology?

- Create visual record of activities in the interview rooms, BAC rooms, and precinct holding cells.
- Prevents disputes about how interviews are conducted or how suspects, victims, and witnesses are treated.
- Enhances SPD accountability in the community and enhances confidence in SPD practices.



Video Recording Systems at SPD Facilities – How It Works

- The **Genetec Video Management System** includes camera and microphone equipment that is permanently installed in the interview rooms on the 6th and 7th floors of SPD Headquarters.
- The **Milestone Video Management Software and Products** consist of cameras located in BAC rooms and precinct holding cells throughout SPD's facilities.
- Signage informs employees and members of the public that camera and recording devices are present.



Video Recording Systems at SPD Facilities – Recording Data Storage

Genetec (Interview Rooms)

- After an interview is conducted the recording of the interview is copied to a high-quality evidence grade DVD+R disc. This evidence-grade disc is then submitted into the SPD Evidence Section as a standard item of evidence. Standard evidence retention rules are then followed

Milestone (BAC Rooms and Precinct Holding Cells)

- The recordings are made by the Milestone system. A request by an authorized party (Homicide, OPA, OIG, etc.) for specific footage is made for criminal or internal investigations. The recordings are held for a minimum of 120 and a maximum of 217 days unless used as evidence in a particular case.

Video Recording Systems at SPD Facilities – Policies Governing Use

- Recorded Statements (SPD Policy 7.110)
- Evidence (SPD Policy 7.090)
- Use of department-owned devices/software (SPD Policy 12.040)
- Access to criminal justice information and records (SPD policies 12.050 and 12.080)
- Use of department email and internet (SPD Policy 12.110)
- Use of cloud storage services (SPD policy 12.111)
- <http://www.seattle.gov/police-manual>

Questions

Appendix

Surveillance Criteria

Definition: *Technology whose primary purpose is 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

- Consents to provide the data
- Opt-out notice
- Body-worn cameras
- Police vehicle cameras
- Cameras installed pursuant to state law...or to record traffic violations
- Security cameras
- City infrastructure protection cameras
- Technology that monitors only City employees

Inclusions

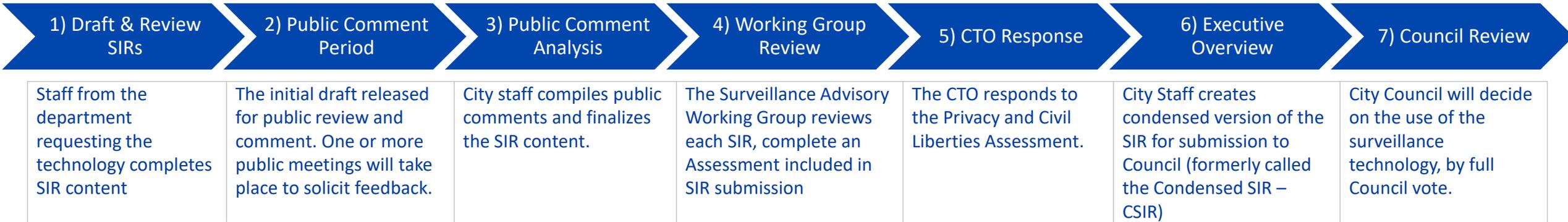
- Disparately impacts disadvantaged groups
- PII shared with non-City entities that will use the data for a purpose other than providing the City with a contractually agreed-upon service
- Collects data that is personally identifiable even if obscured, de-identified, or anonymized after collection
- Raises reasonable concerns about impacts to civil liberty, freedom of speech or association, racial equity, or social justice

Surveillance Impact Report (SIR) Process

- Submitted for all retroactive and newly proposed technologies that meet the definition and have no exclusion criteria
- Created by the Departments with project management from IT

1	Privacy Impact Assessment
2	Financial Information
3	Racial Equity Toolkit
4	Public Engagement Comments and Analysis
5	Privacy and Civil Liberties Impact Assessment
6	CTO Response
7	Appendices & Supporting Documentation

General SIR Creation Timeline





SEATTLE CITY COUNCIL
CENTRAL STAFF

Group 3 Surveillance Impact Reports

LISE KAYE, COUNCIL CENTRAL STAFF

TRANSPORTATION AND UTILITIES COMMITTEE | MAY 5, 2021

Proposed Council Bills – Today's Agenda

- **CB 120053: Forward Looking Infrared Real-Time Video**
(with King County Sheriff's Office helicopters)
- **CB 120054: Situational Awareness Cameras**
(without recording)
- **CB 120055: Video Recording Systems**

Elements to Consider

- Purpose and Use of Each Technology
- Civil Liberties and Potential Disparate Impacts on Historically Marginalized Communities - Racial Equity Toolkit
- Public Engagement
- Surveillance Working Group's Privacy and Civil Liberties Impact Assessment
- Chief Technology Officer's Response

Elements to Consider

- Policy Considerations
 - Surveillance Working Group's key concerns and recommendations
 - Incomplete information in a SIR
 - Legal and logistical parameters

CB 120053: Forward Looking Infrared Real-Time Video

- SPD may request helicopter support from the King County Sheriff's Office for:
 - Tracking movement of crime suspects
 - Situational awareness of disaster scenes

Forward Looking Infrared Real-Time Video

- Civil Liberties and Potential Disparate Impacts
 - Risk of acquisition of private information about third parties
 - Risk of disproportionate surveillance of vulnerable or historically targeted communities
 - Data sharing, storage and retention could contribute to structural racism
- Public comments: concern about use against protesters and people of color; disproportionate use in neighborhoods

Forward Looking Infrared Real-Time Video

- Impact Assessment issues:
 - Allowable uses
 - Data collection, storage and protection
 - Privacy of individuals unrelated to an investigation
 - Lack of historical deployment data
- CTO's Response: SIR generally addresses each concern; CTO provided 2018 KCSO helicopter deployment data from 2018

Forward Looking Infrared Real-Time Video

- Policy Considerations
 - Annual equity assessment metrics
 - Policies and/or criteria for requesting assistance from KCSO Air Support Unit

CB 120054: Situational Awareness Cameras

- Used by SWAT to covertly assess potentially dangerous situations from a safe location:
 - Robot mounted cameras
 - Pole cameras
 - Placeable cameras
 - Throwable cameras

Situational Awareness Cameras

- Civil Liberties and Potential Disparate Impacts
 - Potential surveillance of innocent members of the community
 - Data sharing, storage and retention could contribute to structural racism
- Public comments: need for transparent and fair use, lack of technical and procedural safeguards, the need to record all video and sound feeds for police accountability, and potentially poor resolution of images

Situational Awareness Cameras

- Impact Assessment issues:
 - Allowable uses
 - Capabilities beyond allowed use
 - Safeguards to protect improper viewing, collection, and storage of images
- CTO's Response: SFD's policy and training and limitations of the technology provide adequate mitigation for Working Group concerns

Situational Awareness Cameras

- Policy Considerations
 - Annual equity assessment metrics
 - Use and appropriate application
 - Acquisition of cameras with prohibited capabilities
 - Technical and procedural safeguards – downloading or streaming

CB 120055 – Video Recording Systems

- Genetec Video Management System
 - Audio and video recording of interactions with and interviews of crime victims, witnesses and suspects in interview rooms
 - Video-only monitoring of individuals in interview rooms when no SPD detective is present
- Milestone Systems
 - Continuous recording of activity in blood alcohol collection rooms and precinct holding cells

Video Recording Systems

- Civil Liberties and Potential Disparate Impacts
 - Personally identifiable and potentially sensitive personal information on video or audio recordings
 - Could over-surveil vulnerable or historically targeted communities
 - Data sharing, storage and retention could contribute to structural racism
- Public comments: need for transparent and fair use, system security , potential system add-ons, camera operations

Video Recording Systems

- Impact Assessment issues:
 - System capabilities
 - Data collection, storage and protection
 - Allowable uses

Video Recording Systems

- CTO's Response:
 - System capabilities: Outlined in the SIR. Facial recognition features are not in use by any system in SPD. As of July 2021, Chapter 43.386 RCW will regulate use of a facial recognition service
 - Data collection, storage and protection: outlined in the SIR
 - Allowable uses: Outlined in the SIR. Governed by SPD Policy 7.110 –Recorded Statements.

Video Recording Systems

- Policy Considerations
 - Annual equity assessment metrics

CB 120055 PROPOSED AMENDMENT 1

Amendment Name: SPD Video Recording Systems Equity Metrics

Sponsor: Councilmember Pedersen

Effects Statement: Requests the Seattle Police Department to report no later than the end of the 4th quarter of 2021 on the metrics provided to the Chief Technology Officer for use in annual equity assessments of the Video Recording Systems surveillance technology.

Proposed Amendment:

Insert a new Section after Section 1 of Council Bill 120055 as follows and renumber sections accordingly:

Section 1. Pursuant to Ordinances 125376 and 125679, the City Council approves use of the Seattle Police Department's Video Recording Systems and accepts the 2020 Surveillance Impact Report (SIR) for this technology, attached to this ordinance as Attachment 1, and the 2020 Executive Overview for the same technology, attached to this ordinance as Attachment 2.

Section X. The Council requests the Seattle Police Department to report no later than the end of the fourth quarter of 2021 on the metrics provided to the Chief Technology Officer for use in the annual equity assessments of the Video Recording Systems technology.

CB 120055 PROPOSED AMENDMENT 2

Amendment Name: SPD Video Recording Systems Purpose and Use Policies

Sponsor: Councilmember Herbold

Effects Statement: Requests the Seattle Police Department to develop a policy or policies no later than the end of the 4th quarter of 2021 defining the purpose and only allowable uses of Video Recording Systems surveillance technology.

Proposed Amendment:

Insert a new Section after Section 1 of Council Bill 120055 as follows and renumber sections accordingly:

Section 1. Pursuant to Ordinances 125376 and 125679, the City Council approves use of the Seattle Police Department's Video Recording Systems and accepts the 2020 Surveillance Impact Report (SIR) for this technology, attached to this ordinance as Attachment 1, and the 2020 Executive Overview for the same technology, attached to this ordinance as Attachment 2.

Section X. The Council requests the Seattle Police Department to develop a policy or policies no later than the end of the 4th quarter of 2021 defining the purpose and only allowable uses of Video Recording Systems surveillance technology.

CB 120055 PROPOSED AMENDMENT 3

Amendment Name: Video Recording Systems Capabilities

Sponsor: Councilmember Herbold

Effects Statement: Requests the Seattle Police Department to develop a policy or policies no later than the end of the 4th quarter of 2021 prohibiting the use of Video Recording Systems with facial recognition capability or with facial recognition systems.

Proposed Amendment:

Insert a new Section after Section 1 of Council Bill 120055 as follows and renumber sections accordingly:

Section 1. Pursuant to Ordinances 125376 and 125679, the City Council approves use of the Seattle Police Department's Video Recording Systems and accepts the 2020 Surveillance Impact Report (SIR) for this technology, attached to this ordinance as Attachment 1, and the 2020 Executive Overview for the same technology, attached to this ordinance as Attachment 2.

Section X. The Council requests the Seattle Police Department to develop a policy or policies no later than the end of the 4th quarter of 2021 prohibiting the use of Video Recording Systems with facial recognition capability or with facial recognition systems.