



Legislation Details (With Text)

File #: CB 120778 **Version:** 3 **Name:** CB 120778
Type: Ordinance (Ord) **Status:** Passed
In control: City Clerk

On agenda: 6/18/2024
Final Action: 6/24/2024 **Ord. No.** Ord 127044

Title: AN ORDINANCE relating to surveillance technology implementation; authorizing approval of uses and accepting the 2023 updated surveillance impact report and 2023 executive overview for the Seattle Police Department’s use of Automated License Plate Reader technology.

Sponsors: Robert Kettle

Indexes:

Attachments: 1. Att 1 - Surveillance Impact Report (SIR) v2, 2. Att 2 - SIR Executive Overview, 3. Att 1 - Surveillance Impact Report (SIR), 4. Summary and Fiscal Note, 5. Central Staff Memo, 6. SPD Presentation, 7. Amendment 1 to CB 120778, 8. Amendment A, 9. Amendment B, 10. Signed Ordinance 127044, 11. Affidavit of Publication

Date	Ver.	Action By	Action	Result
6/24/2024	3	City Clerk	attested by City Clerk	
6/24/2024	3	Mayor	returned	
6/24/2024	3	Mayor	Signed	
6/21/2024	3	City Clerk	submitted for Mayor's signature	
6/18/2024	2	City Council	passed as amended	Pass
6/11/2024	1	Public Safety Committee	pass as amended	Pass
5/14/2024	1	Public Safety Committee	discussed	
4/30/2024	1	City Council	referred	
2/12/2024	1	Council President's Office	sent for review	
2/7/2024	1	City Clerk	sent for review	
2/7/2024	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to surveillance technology implementation; authorizing approval of uses and accepting the 2023 updated surveillance impact report and 2023 executive overview for the Seattle Police Department’s use of Automated License Plate Reader technology.

WHEREAS, on April 19, 2021, the City Council passed Ordinance 126312, adopting the original Surveillance Impact Report (SIR) for the Automated License Plate Reader (ALPR) technology; and

WHEREAS, subsection 14.18.020.F of the Seattle Municipal Code (SMC), enacted by Ordinance 125376 and last amended by Ordinance 125679, states that "[a]ny material update to an SIR, such as to change the purpose or manner in which a surveillance technology may be used, shall be by ordinance"; and

WHEREAS, City departments have engaged the Seattle Information Technology Department (Seattle IT) regarding potential changes in their technologies that have occurred since the original SIRs were passed by the Council; and

WHEREAS, ensuring compliance now requires operationalizing a defined process for submission of updated SIRs reflecting the material updates; and

WHEREAS, Seattle IT has worked with stakeholders including Council Central Staff, the Office of the Inspector General (OIG), City Auditor's Office, City Attorney's Office, and others to develop a working definition of "Material Update" and this is reflected in the Seattle IT POL-203 Surveillance Policy updates, finalized at the end of 2022; and

WHEREAS, material updates include new capabilities and uses of the technology, not included in the SIR approved by the Council, and are evaluated with consideration of the following categories - 1) Purpose: The specific purpose(s) for the surveillance technology, 2) Functionality: The type of operations that can be run on the surveillance technology, 3) Allowable Uses: Authorized uses, the rules and processes required before that use, and uses that are prohibited, 4) Surveillance Data: Expanded scope of data collected or data processing activities associated with the technology (including changes in data sharing), 5) Data Retention: What data is retained and for how long; includes changes in the storage of data, and 6) Civil Rights and Civil Liberties Impacts: New or newly discovered negative impact(s) as reported by the Chief Technology Officer's (CTO's) annual Equity Impact Assessment; and

WHEREAS, a surveillance technology that undergoes a material update that is not reported to Seattle IT may be ordered by the CTO to be removed from service until the impacts of the change can be determined and documented under the terms of Seattle Municipal Code Chapter 14.18 and this policy; and

WHEREAS, expanding ALPR functionality as a component of the existing in-car video platform to include all SPD vehicles with onboard in-car video qualifies as a material update; and

WHEREAS, the back-office system through which ALPR camera data are interpreted and ALPR is administered will change from the Neology PIPS platform to the expanded Axon Fleet Hub platform qualifies as a material update; and

WHEREAS, all sworn SPD officers will be trained in the use of the in-car video with ALPR enabled functionality; and

WHEREAS, expanded ALPR capability will allow SPD to better address the growing vehicle theft problem. Motor vehicle theft has increased citywide by 89.6 percent since the pre-pandemic year of 2019, from 3,992 reported incidents to 7,569. This upward trend continues, with an increase of 9.6 percent in the first 11 months of 2023 compared to the same period in 2022, from 6,906 to 7,569 reported incidents; and

WHEREAS, SPD detectives have noted links between vehicle theft and gun violence, robberies, commercial burglaries; and

WHEREAS, the updated functionality of ALPR is important to achieve the Police Department's mission to prevent crime, enforce the law, and support quality public safety by delivering respectful, professional, and dependable police services; 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 Automated License Plate Reader (ALPR) Fleet-Wide and accepts the updated 2023 Surveillance Impact Report (SIR) for this technology, attached to this ordinance as Attachment 1, and the Executive Overview for the same technology, attached to this ordinance as Attachment 2.

Section 2. The Seattle Police Department's use of the ALPR technology is approved, provided that the Seattle Police Department shall not disclose ALPR data in response to a records request made under the Public

Records Act (chapter 42.56 RCW), or otherwise publicly disclose ALPR data in a manner that links a license plate to a time, date, or location, unless required to do so by court order or applicable law. The Seattle Police Department's legal counsel shall promptly notify the City Council's legislative legal counsel of any such court order or applicable law.

Section 3. The Council requests that the Seattle Police Department include in any contract with a vendor for the implementation of ALPR technology terms: 1) requiring the vendor to immediately notify SPD if the vendor receives a warrant or subpoena seeking SPD ALPR data for any purpose, including purposes related to reproductive healthcare or gender-affirming medical services; and, 2) requiring the vendor to retain legal counsel to challenge any such warrant or subpoena and advise of outcome or existence of warrant after expiration. SPD shall notify the Council upon receipt of information related to a vendor warrant or subpoena described above. The Seattle Police Department shall provide the Council with a copy of the ALPR vendor contract once executed but no later than the transmittal of the mayor's 2025-2026 budget.

Section 4. This ordinance shall take effect as provided by Seattle Municipal Code Sections 1.04.020 and 1.04.070.

Passed by the City Council the _____ day of _____, 2024, and signed by me in open session in authentication of its passage this _____ day of _____, 2024.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2024.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2024.

Scheereen Dedman, City Clerk

(Seal)

Attachments:

Attachment 1 - 2023 Surveillance Impact Report: Automated License Plate Recognition (ALPR) (Fleet-Wide)

Attachment 2 - 2023 Surveillance Impact Report Executive Overview: Automated License Plate Recognition (ALPR) (Fleet-Wide)