



Legislation Details (With Text)

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On agenda: 3/14/2023
Final Action: 3/16/2023 **Ord. No.** Ord 126785

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 Forward Looking Infrared Real-Time Video.

Sponsors: Sara Nelson

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Date	Ver.	Action By	Action	Result
3/16/2023	3	City Clerk	attested by City Clerk	
3/16/2023	3	Mayor	returned	
3/16/2023	3	Mayor	Signed	
3/16/2023	3	City Clerk	submitted for Mayor's signature	
3/14/2023	1	City Council	passed as amended	Pass
3/8/2023	1	Economic Development, Technology, and City Light Committee	pass as amended	Pass
2/28/2023	1	City Council	referred	
2/23/2023	1	Council President's Office	sent for review	
2/15/2023	1	City Clerk	sent for review	
2/15/2023	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 Forward Looking Infrared Real-Time Video.

WHEREAS, on May 24, 2021, the City Council passed Ordinance 126341, adopting the original Surveillance Impact Report (SIR) for the Forward Looking Infrared Real-Time Video (FLIR) as deployed by King County Sheriff's Office (KCSO) helicopters; 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 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 the Surveillance Ordinance and this policy; and

WHEREAS, the functionality of KCSO's FLIR has changed since the original 2020 SIR was written, reviewed, and adopted; and

WHEREAS, SPD purchasing and ordering equipment to allow for live viewing of the KCSO helicopter video feed qualifies as a material update; and

WHEREAS, each time that the King County Guardian 1 helicopter (equipped with FLIR technology) assists SPD, that information is logged in the Computer-Aided Dispatch (CAD) system. SPD can identify the date, location, and call type for each time that FLIR technology is employed; and

WHEREAS, 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; and

WHEREAS, when Seattle requests evidence from King County, video collected by FLIR is subject to existing video evidence storage policies including SPD Policy 7.090 - Photographic Evidence; and

WHEREAS, SPD Policy 6.060 - Collection of Information for Law Enforcement Purposes 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..."; and

WHEREAS, video collected by FLIR does not capture individually identifiable information; and

WHEREAS, the capability of viewing live video feed from the KCSO helicopters provides police, fire, public utilities, and the emergency operations center a full aerial perspective in the event of major incidents; and

WHEREAS, the updated functionality is important for Seattle 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 Forward Looking Infrared Real-Time Video (FLIR) through the use of King County Sheriff's Office helicopters 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 Council requests the Seattle Police Department (SPD) to add a "Record of Changes" page or section to the Surveillance Impact Report and the Executive Overview documenting the changes effected by this ordinance.

Section 3. The Council requests the Seattle Police Department (SPD) to maintain in its operational policies a current list of the identification numbers, sometimes referred to as tail numbers, of the King County Sheriff's Office helicopters used to deploy Forward Looking Infrared Real-Time Video and to administratively update the 2023 Surveillance Impact Report to reference that publicly available list.

Section 4. 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 _____, 2023, and signed by me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Elizabeth M. Adkisson, Interim City Clerk

(Seal)

Attachments:

Attachment 1 - 2023 Surveillance Impact Report: Forward Looking Infrared Real-Time Video (FLIR)

Attachment 2 - 2023 Surveillance Impact Report Executive Overview: Forward Looking Infrared Real-Time Video (FLIR)