



Legislation Text

File #: CB 120025, **Version:** 3

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

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

WHEREAS, Ordinance 125376 requires Council approval of surveillance impact reports (SIRs) related to approval of uses for certain technology, with existing/retroactive technology to be placed on a Master Technology List; and

WHEREAS, the ordinance provisions apply to the Automated License Plate Reader technology in use by the Seattle Police Department (SPD); and

WHEREAS, SPD conducted policy rule review and community review as part of the development of the SIR; and

WHEREAS, Seattle Municipal Code Section 14.18.080, enacted by Ordinance 125679, also requires review of the SIR by a Community Surveillance Working Group composed of relevant stakeholders and a statement from the Chief Technology Officer in response to the Working Group's recommendations; and

WHEREAS, development of the SIR and review by the Working Group have been completed; and

WHEREAS, Ordinance 126233 created a new Community Safety and Communications Center to include, effective June 1, 2021, the parking enforcement function currently housed within SPD and the SIR will need to be updated after that date to reflect the new organizational structure; and

WHEREAS, SPD's Automated License Plate Reader technology collects many thousands of license plate images, a small percentage of which ultimately identify stolen vehicles, identify vehicles wanted in

conjunction with felonies, or aid in finding missing persons; and

WHEREAS, state laws governing retention of Automated License Plate Reader data vary widely, ranging from three minutes (New Hampshire) to 30 months (Georgia); and

WHEREAS, the Washington state records retention schedule requires retention of case specific Automated License Plate Reader data until exhaustion of the appeals process and retention of non-case specific Automated License Plate Reader data until verification that a significant image has not been captured; and

WHEREAS, the Seattle Police Department has established a 90-day retention period for non-case-specific License Plate Reader Data as the period needed to ensure verification that a significant image has not been captured; and

WHEREAS, license plate data collected by SPD's Automated License Plate Reader technology could be used to disproportionately surveil vulnerable or historically targeted communities and to identify individuals without reasonable suspicion of having committed a crime or to search for information that is not incidental to any active investigation; and

WHEREAS, the Council wishes to limit unnecessary retention of non-case specific Automated License Plate Reader data to protect individual privacy and reduce the potential for disproportionate surveillance of vulnerable or historically targeted communities;

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 Automated License Plate Reader technology and accepts the 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 to report no later than the end of the third quarter of 2021 on the metrics provided to the Chief Technology Officer for use in the annual equity assessments of the Automated License Plate Reader technology.

Section 3. The Council requests the Seattle Police Department to report no later than the end of the third quarter of 2021 on the feasibility of retaining records of non-case specific Automated License Plate Reader data for no more than 48 hours.

Section 4. The Council requests the Office of Inspector General to include in its annual surveillance usage review for 2022: 1) demographic analysis of SPD's use of Automated License Plate Reader technology by neighborhood, with a focus on potentially disproportionate surveillance of vulnerable or historically targeted communities; and 2) analysis of whether shared Automated License Plate Reader data between parking enforcement and patrol, including the use of a common database, may create a risk of disproportionate surveillance of vulnerable or historically targeted communities or compromises the civil liberties of individuals not suspected of criminal wrongdoing.

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 - Automated License Plate Reader SIR

Attachment 2 - Automated License Plate Reader Executive Overview