City of Seattle

2021 Surveillance Impact Report

Link Analysis Software - Maltego

Seattle Police Department

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. 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".

How this Document is Completed

This document is completed by the requesting department staff, support and coordinated by the Seattle Information Technology Department ("Seattle IT"). As Seattle IT and department staff complete the document, they should keep the following in mind.

1. Responses to questions should be in the text or check boxes only; all other information (questions, descriptions, etc.) Should **not** be edited by the department staff completing this document.
2. All content in this report will be available externally to the public. With this in mind, avoid using acronyms, slang, or other terms which may not be well-known to external audiences. Additionally, responses should be written using principally non-technical language to ensure they are accessible to audiences unfamiliar with the topic.

Surveillance Ordinance Review Process

The following is a high-level outline of the complete SIR review process.

Upcoming for Review	Initial Draft	Open Comment Period	Final Draft	Working Group	Council Review
The technology is upcoming for review, but the department has not begun drafting the surveillance impact report (SIR).	Work on the initial draft of the SIR is currently underway.	The initial draft of the SIR and supporting materials have been released for public review and comment. During this time, one or more public meetings will take place to solicit feedback.	During this stage the SIR, including collection of all public comments related to the specific technology, is being compiled and finalized.	The surveillance advisory working group will review each SIR's final draft and complete a civil liberties and privacy assessment, which will then be included with the SIR and submitted to Council.	City Council will decide on the use of the surveillance technology, by full Council vote.

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.

Paterva's Maltego is a cyber-security software application that is used to assist Seattle Police Department (SPD) to research publicly available data and diagram associations between individuals, devices, and networks, as part of a cybercrime investigation. Maltego allows up to two authorized users in SPD's Technical and Electronic Support Unit (TESU) to trace the origin of a specific IP address, and potentially identify a suspect, that has attacked, or attempted to infiltrate, the City's network or the network of a third party. In essence, SPD utilizes Maltego to investigate cybercrimes, primarily in determining the digital origin of attacks against cyber infrastructure.

1.2 Explain the reason the project/technology is being created or updated and why the PIA is required.

Maltego queries public information available on the internet, allowing an investigator to build a network diagram of individuals and devices (i.e., computers, cell phones, etc). Though Maltego collects only publicly available information, its use leads to privacy concerns about indiscriminate collection of internet activity by SPD on members of the general public. SPD mitigates this privacy concern by utilizing Maltego only as it relates to a specific investigation related to cybercrime and only to access publicly available information. Search warrant authorization is required, and would be obtained, to further any investigation into accessing private individual information.

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.

Maltego queries public data on the internet, such as domains, and displays it in a diagram showing links. This is a useful tool for SPD to use in cyber-crime investigations, as these incidents often involve interactions between individuals, devices, and networks that are otherwise unknown. This is a popular tool that is used across the information-security community for both defensive cyber-security programs and for investigating breaches and instances of cyber-crime. SPD utilizes Maltego in these capacities.

Example: The City's network is attacked with ransomware from somedomain.com. Maltego would query the internet for public information about who might own/run somedomain.com, where it might be hosted, and which company provides its internet connect. At this point, if detectives determine that further information would be beneficial in pursuit of the investigation, they would then obtain appropriate warrant authorization and subpoena information from the internet provider. Information gathered in this manner can then be manually added to the chart generated by Maltego to create a diagram showing where the ransomware originated from and how it traversed the internet to attack City of Seattle.

2.2 Provide any data or research demonstrating anticipated benefits.

Maltego functions by parsing large amounts of publicly available information from various open source websites and visualizing the results in graphs which allow detectives to piece together connections related to the investigation. Another advantage of this tool is that the relationship between various types of information can give a better picture on how they are interlinked and can also help in identifying unknown relationship.

https://resources.infosecinstitute.com/topic/information-gathering-maltego/

2.3 Describe the technology involved.

Maltego is an Open Source Intelligence (OSINT) platform which presents publicly available information in an easy to interpret visual entity-relationship model which allows investigators to analyze connections between individuals related to criminal investigations. Maltego functions similar to a web search engine but rather than returning a list of related websites, Maltego allows the user to create a visualization linking entities involved in a cybercrime incident.

A typical use would be Maltego's use in diagramming threat actors following a cyber-attack on the City's network. An investigator would need to research the IP address of domain of the attack source and work to find the individual(s) or organization(s) orchestrating the attack. Often, the source of the attack is a system belonging to a third party that has itself been compromised (i.e., bot networks) and a side benefit of an SPD investigation is mitigating the compromise of these third-party systems.

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 department priorities include the use of best practices that include officer safety guidelines and performance-based accountability to provide progressive and responsive police services to crime victims, witnesses, and all members of the community, and to structure the organization to support the SPD mission and field a well-trained sworn and non-sworn workforce that uses technology, training, equipment, and research strategically and effectively.

Seattle Police Department has a responsibility to protect the City and its citizens, their data, and infrastructure from cyber-crime. Maltego is one tool that SPD uses to mitigate these crimes within Seattle.

2.5 Who will be involved with the deployment and use of the project / technology?

Two users in SPD's Technical and Electronic Support Unit (TESU) are SPD's only trained and authorized users of Maltego. TESU Detectives may share Maltego data with Seattle IT's security team in order to eliminate security vulnerabilities, assess and mitigate data compromise, and to take steps to block hostile sites from accessing City networks.

Authorized users of Maltego are Criminal Justice Information Services (CJIS) certified and maintain Washington State ACCESS (A Central Computerized Enforcement Service System) certification. More information on CJIS compliance may be found at the CJIS Security Policy website. Additional information about ACCESS may be found on the Washington State Patrol's website.

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.

Maltego is a software only used during the investigation of cyber-crimes by SPD detectives working in TESU. Access for personnel into the system is predicated on state and federal law governing access to Criminal Justice Information Services (CJIS). This includes pre-access background information, appropriate role-based permissions as governed by the CJIS security policy. All users of CAD must be CJIS certified and maintain Washington State ACCESS certification. Each user must be directly granted an account in order to access the software.

3.2 List the legal standards or conditions, if any, that must be met before the project / technology is used.

Maltego is only used in response to specific cybersecurity incidents, criminal investigations wherein reasonable suspicion exists that a crime has occurred, and/or for training purposes.

All use of the Maltego software must also comply with SPD Policy 12.050 – Criminal Justice Information Systems and may only be used for legitimate criminal investigative purposes.

Use of Maltego is governed by the City of Seattle Intelligence Ordinance, 28 CFR Part 23, CJIS requirements, and any future applicable requirements.

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.

Supervisors and commanding officers are responsible for ensuring compliance with 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.

All authorized users of Maltego must be CJIS certified and must maintain Washington State ACCESS certification and trained directly in the use of the Maltego software, in addition to all standard SPD training and Directives.

SPD Policy 12.050 defines the proper use of criminal justice information systems.

4.0 Data Collection and Use

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.

Maltego queries publicly available data on the internet and collects information based on the parameters of the search request, much like Google returns results based on specific search terms. Maltego is not used to collect private data, nor is it used to process or collect internal data. It is specifically a tool used to query and diagram public information related to cyber-crime investigations. In this sense, it is collecting any publicly available information on the internet related to the specific parameters of the user request.

4.2 What measures are in place to minimize inadvertent or improper collection of data?

Maltego is only used by two trained TESU Detectives whose primary duties involve the investigation of cyber- and other internet-related crimes. All data collected is related to a criminal investigation and included in the investigation file. If no data is collected that assists in the pursuit of the criminal investigation, this information is not retained, and no data is provided to the investigating Officer/Detective. Data, when pertinent, is exported as a spreadsheet and/or visual diagram, at which point it is handled per department policy regarding digital evidence as part of a criminal investigation. A local copy of the data is only saved if the Detective operating Maltego manually initiates a local saved copy and that is also maintained and handled per department policy.

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?

The Maltego tool is only used by two trained SPD Detectives whose primary duties involve the investigation of cyber- and other internet-related crimes. Maltego is used when a specific incident occurs in which the network security of the City or of a private entity has been compromised, and an investigation has been instigated.

4.4 How often will the technology be in operation?

Maltego is used infrequently to investigate cybercrime incidents.

4.5 What is the permanence of the installation? Is it installed permanently, or temporarily?

The software is installed on a workstation computer located in the TESU.

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?

No physical object is collecting any data.

4.7 How will data that is collected be accessed and by whom?

Only authorized SPD users can access Maltego or the data while it resides in the specific workstation where it is installed. Access to Maltego is via a password-protected software interface and the software is stored locally rather than on the network or remote server. SPD utilizes the free version of Maltego and, as a result, has no control over vendor access to viewing searches that were conducted by SPD. These searches, however, would look much like any search engine responses, meaning that the parameters would return only publicly available information.

Data removed from Maltego and entered into investigative files is securely uploaded and used on SPD's password-protected network with access limited to authorized detectives and identified supervisory personnel.

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.

4.8 If operated or used by another entity on behalf of the City, provide details about access, and applicable protocols.

Maltego is used by two trained TESU detectives within TESU, and by no other entity.

Use of Maltego is governed by the City of Seattle Intelligence Ordinance, 28 CFR Part 23, CJIS requirements, and any future applicable requirements.

4.9 What are acceptable reasons for access to the equipment and/or data collected?

Access to Maltego is restricted to use for the related security incident and/or pertinent criminal investigations and subject to Department Policy regarding ongoing criminal investigations.

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 currently uses a free community version of Maltego that has no internal logging or auditing. A paid version includes the ability to stand up an internal SPD server that would allow for logging, but that would involve significant costs to implement and maintain.

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.

5.0 Data Storage, Retention and Deletion

5.1 How will data be securely stored?

Data collected by Maltego is stored on an encrypted workstation within TESU.

Per the CJIS Security Policy:

"Security - 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 must ensure that all agencies establish an information security structure that provides for an ISO and complies with the CJIS Security Policy.

5.2 How will the owner allow for departmental and other entities, to audit for compliance with legal deletion requirements?

Cyber-Crime workstations are subject to audit by the supervisor of the Technical and Electronic Support Unit and SPD's Audit, Policy and Research Section (APRS) can conduct an audit of the any system at any time. In addition, the Office of Inspector General can access all data and audit for compliance at any time.

SPD conducts periodic reviews of audit logs and they are available for review at any time by the Seattle Intelligence Ordinance Auditor under the City of Seattle Intelligence Ordinance. The software automatically alerts users of data that must be deleted under legal deletion requirements such as 28 CFR Part 23.

5.3 What measures will be used to destroy improperly collected data?

SPD Policy 7.010 governs the submission of evidence and requires that all collected evidence be documented in a GO Report. Evidence is submitted to the Evidence Unit and associated with a specific GO Number and investigation.

All data must be gathered and recorded in a manner that is consistent with SPD Policy 6.060, such that it does not reasonably 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 right to petition government for redress of grievances; and the right to privacy."

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.

5.4 which specific departmental unit or individual is responsible for ensuring compliance with data retention requirements?

The Technical and Electronic Support Unit Supervisor is responsible for ensuring compliance with data retention requirements for Maltego within SPD. Additionally, an auditor, including the Office of Inspector General can monitor for compliance at any time.

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?

SPD has no data sharing partners for Maltego. No person, outside of SPD, has direct access to Maltego or the data while it resides in the system or technology.

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 without 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.

Per SPD Policy 12.080, the Crime Records Unit is responsible for receiving, recording, and responding to requests "for General Offense Reports from other City departments and from other law enforcement agencies, as well as from insurance companies."

Discrete pieces of data collected by Maltego may be shared with other law enforcement agencies in wanted bulletins, and in connection with law enforcement investigations jointly conducted with those agencies, or in response to requests from law enforcement agencies investigating criminal activity as governed by SPD Policy 12.050 and 12.110. All requests for data from Federal Immigration and Customs Enforcement (ICE) authorities are referred to the Mayor's Office Legal Counsel in accordance with the Mayoral Directive, dated February 6, 2018.

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 Maltego.

6.2 Why is data sharing necessary?

Data sharing is frequently necessary during the course of a criminal investigation to follow up on leads and gather information on suspects from outside law enforcement agencies. Cooperation between law enforcement agencies is an essential part of the investigative process.

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. In addition, Washington State law enforcement agencies are subject to the provisions of WAC 446-20-260, and RCW Chapter 10.97.

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.

This software simply visualizes data collected is from publicly available information on the internet.

6.6 Describe any procedures that allow individuals to access their information and correct inaccurate or erroneous information.

As per RCW 10.97, individuals who are subject to a criminal investigation will not be party to the information collection process and thus will not have an opportunity to correct their information. Detectives or other sworn officers may interview such subjects or conduct additional investigation to determine inaccuracies in the information, on a case by case, basis.

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?

Maltego only accesses and collects public data and is used in response to requests for assistance with cyber-security incidents and active criminal investigations.

All use of Maltego must also comply with SPD Policy 12.050 – Criminal Justice Information Systems and may only be used for legitimate criminal investigative purposes.

Use of Maltego will be governed by the City of Seattle Intelligence Ordinance, 28 CFR Part 23, CJIS requirements, and any future applicable requirements.

7.2 Describe what privacy training is provided to users either generally or specifically relevant to the project/technology.

Users of Maltego undergo training on the use of the software, which includes privacy training.

All authorized users of Maltego must be CJIS certified and must maintain Washington State ACCESS certification.

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.

The CJIS training requirements can be found in the appendices of this document, as well as in question 3.3, above.

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.

Privacy risks for Maltego revolve around the perception of mass or indiscriminate data collection of members of the public. This risk is mitigated by a number of legal and policy provisions.

SMC 14.12 and SPD Policy 6.060 direct all SPD personnel to "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, 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.

Finally, see 5.3 for a detailed discussion about procedures related to noncompliance.

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 investigatory requirements and auditing processes (i.e., related to a specific criminal investigation; access logs) that allow for an auditor, including the Office of Inspector General, to inspect use and deployment of audio recording devices.

8.0 Monitoring and Enforcement

8.1 Describe how the project/technology maintains a record of any disclosures outside of the department.

The information used Maltego relates to ongoing criminal investigations. Information will be released in response to public disclosure requests as applicable under the Public Records Act and the City of Seattle Intelligence Ordinance, just as they are applicable to any other SPD investigative records.

Per SPD Policy 12.080, 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.

This software is not directly accessed by outside agencies. Information may be shared with outside agencies as it would with any criminal investigation and release is governed by the same rules. Any bulletins or other notifications created with information or analysis resulting from this project are kept in the SPD network file system as well as recorded in the established SPD bulletin system. In addition, the software's audit log keeps a record of all data accessed by each user.

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.

The free version of Maltego that is currently used is auditable, in that the Unit Supervisor or any auditor may inspect and review the investigative workstation containing the software. Should the City choose to invest in a Maltego paid server, there would be onsite logging which would then be available for review.

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

Notes:

SPD utilizes the free version of Maltego.

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
$0	0	0		

Notes:

1.3 Cost savings potential through use of the technology

N/A

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

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

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

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

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.

Adaptation 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 ("RSJI") is to eliminate racial inequity in the community. To do this requires ending individual racism, institutional racism and structural racism. The RET 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?

Some iterations of Maltego allow for collection of private data of citizens. SPD mitigates this privacy concern by utilizing Maltego only as it relates to a specific investigation related to cybercrime and only to access publicly available information. Search warrant authorization is required, and would be obtained, to further any investigation into accessing private individual information.

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?

Include a description of any issues that may arise such as algorithmic bias or the possibility for ethnic bias to emerge in people and/or system decision-making.

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. To mitigate against any potential algorithmic bias or ethnic bias to emerge in the use of link analysis software such as Maltego, SPD employees are responsible for gathering, creating, and disseminating information (internally or externally as defined above) and are bound by 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.

1.4 Where in the City is the technology used or deployed?

☒ all Seattle neighborhoods

- ☐ Ballard
- ☐ Belltown
- ☐ Beacon Hill
- ☐ Capitol Hill
- ☐ Central District
- ☐ Columbia City
- ☐ Delridge
- ☐ First Hill
- ☐ Georgetown
- ☐ Greenwood / Phinney
- ☐ International District
- ☐ Interbay
- ☐ North
- ☐ Northeast
- ☐ Northwest
- ☐ Madison Park / Madison Valley
- ☐ Magnolia
- ☐ Rainier Beach
- ☐ Ravenna / Laurelhurst
- ☐ South Lake Union / Eastlake
- ☐ Southeast
- ☐ Southwest
- ☐ South Park
- ☐ Wallingford / Fremont
- ☐ West Seattle
- ☐ King county (outside Seattle)
- ☐ 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 does the Department to ensure diverse neighborhoods, communities, or individuals are not specifically targeted through the use or deployment of this technology?

Maltego is used during the investigation of cyber-crimes by the SPD TESU and information gathered is related to these criminal investigations. There is no distinction in the levels of service this system provides to the various and diverse neighborhoods, communities, or individuals within the city.

All use of Maltego must also comply with SPD Policy 12.050 – Criminal Justice Information Systems and may only be used for legitimate criminal investigative purposes.

Use of Maltego is be governed by the City of Seattle Intelligence Ordinance, 28 CFR Part 23, CJIS requirements, and any future applicable requirements.

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."[1] Data sharing has the potential to be a contributing factor to structural racism and thus creating a disparate impact on historically targeted communities. Data sharing is frequently necessary during the course of a criminal investigation to follow up on leads and gather information on suspects from outside law enforcement agencies. Cooperation between law enforcement agencies is an essential part of the investigative process.

In an effort to mitigate the possibility of disparate impact on historically targeted communities, 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.

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. The information collected by Maltego is related only to criminal investigations and its users are subject to SPD's existing policies prohibiting bias-based policing. 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.

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 Maltego is the possibility that erroneous links between individuals not related to criminal investigations may be considered. However, because all analysis conducted in the TESU by a limited number of detectives the risk is mitigated.

2.0 Public Outreach

2.1 Organizations who received a personal invitation to participate.

Please include a list of all organizations specifically invited to provide feedback on this technology.

1.	2.	3.

2.1 Scheduled public meeting(s).

Meeting notes, sign-in sheets, all comments received, and questions from the public will be included in Appendix B, C, D, E, F, G, H and I. Comment analysis will be summarized in section 3.0 Public Comment Analysis.

Location	
Time	
Capacity	
Link to URL Invite	

2.2 Scheduled focus Group Meeting(s)

Meeting 1

Community Engaged	
Date	

Meeting 2

Community Engaged	
Date	

3.0 Public Comment Analysis

This section will be completed after the public comment period has been completed on [DATE] by Privacy Office staff.

3.1 Summary of Response Volume

Dashboard of respondent demographics.

3.2 Question One: What concerns, if any, do you have about the use of this technology?

Dashboard of respondent demographics.

3.3 Question Two: What value, if any, do you see in the use of this technology?

Dashboard of respondent demographics.

3.4 Question Three: What would you want City leadership to consider when making a decision about the use of this technology?

Dashboard of respondent demographics.

3.5 Question Four: General response to the technology.

Dashboard of respondent demographics.

3.5 General Surveillance Comments

These are comments received that are not particular to any technology currently under review.

Dashboard of respondent demographics.

4.0 Response to Public Comments

This section will be completed after the public comment period has been completed on [DATE].

4.1 How will you address the concerns that have been identified by the public?

What program, policy and partnership strategies will you implement? What strategies address immediate impacts? Long-term impacts? What strategies address root causes of inequity listed above? How will you partner with stakeholders for long-term positive change?

5.0 Equity Annual Reporting

5.1 What metrics for this technology be reported to the CTO for the annual equity assessments?

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

Respond here.

Submitting Department Response

Description

Provide the high-level description of the technology, including whether software or hardware, who uses it and where/when.

Purpose

State the reasons for the use cases for this technology; how it helps meet the departmental mission; benefits to personnel and the public; under what ordinance or law it is used/mandated or required; risks to mission or public if this technology were not available.

Benefits to the Public

Provide technology benefit information, including those that affect departmental personnel, members of the public and the City in general.

Privacy and Civil Liberties Considerations

Provide an overview of the privacy and civil liberties concerns that have been raised over the use or potential mis-use of the technology; include real and perceived concerns.

Summary

Provide summary of reasons for technology use; benefits; and privacy considerations and how we are incorporating those concerns into our operational plans.

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.

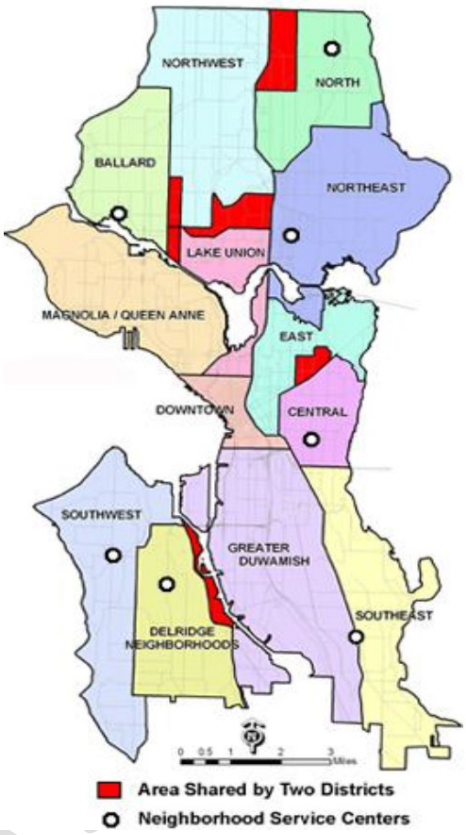
RET: "racial equity toolkit"

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.