# Surveillance Advisory Working Group – Meeting Minutes: May 17, 2019

**Attendance** – Meeting conducted via Skype call

Members: Rich Stolz, Shankar Narayan, Joe Woolley

City Staff: Ginger Armbruster, Sarah Carrier, Omari Stringer, Seferiana Day, Megumi Sumitani, Matt Miller, John Campos, Kate Garman, Gary Smith

Public: Jennifer Lee (ACLU)

**Meeting called to order at 12:05 PM**

**Introductions and Housekeeping**

Shankar Narayan (SN): Without quorum we can’t take any votes, but we can have a discussion. Seferiana sent an agenda and documents pertaining to this conversation. I can give background on these various items that are in front of us based on what I know. We can decide on a course of action. So, I’ll start with the Tuesday hearing. Last week I received an invitation from Vinh to join the committee.

**5/21 GET Committee Hearing Preparation and Discussion**

The documents we put together were transmitted to Council for the SDOT license plate readers and the CCTV’s. The civil liberties and privacy impact reports were

This concerns me because we reviewed the technologies together because we saw them having commonalities. Particularly with license plate readers – where we had a lot of concerns that were laid out in the SPD section that could inform the discussion of the SDOT license plate readers as well. Because the document was edited, that context is not there. I wish we had known this was going to happen at the previous meeting, or before the documents were transmitted so that we would have had the opportunity to raise these concerns.

Under the ordinance, the CTO has an opportunity respond. Effectively, for both these technologies, the CTO says, “We believe that policy, training, and technology limitations enacted by SDOT provide adequate mitigation for the potential privacy and civil liberties concerns raised by the Working Group about the use of this important operational technology.”

That’s the line provided for both these technologies. It points to the parts of the relevant SIR’s that talk about existing practice.

You’ve seen the staff report, and Greg has made some edits.

Gary Smith (GS): Can we go back to your concern that the content not specific to SDOT was not included. The reasoning behind that was that the content was not included properly in the first place. It had not been transmitted to the working group for review yet. That’s the reasoning to clarify.

SN: I get that, but it would have been helpful to know so that we could get council the greater context.

Ginger Armbruster (GA): By putting the technologies together and reviewing them together, I believe the SIR is trying to get at the intent. The commonality between the two is the name – the police intention is to enforce parking, find cars on a hot list – the intent with SDOT has nothing to do with individuals, has everything to do with traffic flow – it doesn’t care about individuals, it doesn’t want to know who you are. Same for Fire, documenting the accident or capturing events. CCTV’s are running video and not capturing event/place/time.

SN: We wanted the city to talk about the similarities between the technologies. Thank you for those comments, Ginger.

Kate Garman (KG): IN the spirit of the ordinance, we are looking at it one technology at a time, and that’s how it will be looked at on Tuesday. I just want to make sure our expectations are aligned for the discussion on Tuesday.

SN: I’d like to finish giving the background that I have. This is not intended to be a debate. I want to give a background and then we can decide what to do.

The ordinance simply approves the two technologies. That to me raises the same concerns that we discussed at our last meeting about what the process should be and what the process was intended to be. We have challenges

1. A misalignment between the SIR purpose and the purpose of the ordinance, which I had a hand in helping to draft and pass – we would like to see the council set up transparent processes that take these civil liberties concerns off the table. CTO response is insufficient – considering the SIRs often include misleading or incomplete information.
2. The current ordinance that is going to Council. You should certainly read these documents. Approving the SIR’s as they are is insufficient. Legally – because the SIR just states agency assertions about how they are using the technology
3. Timeline issue we talked about before continues to be a concern. I’ve started to brainstorm what a revised timeline might look like. I’ve started to discuss this with some of the councilmembers. To prioritize the most concerning technologies. Hopefully they’ll have positive impact on the public outreach the city is trying to undertake. I’ll share that with you all. I’ve had a chance to talk to 5 of the members – generally the response is around this information has largely been positive
4. The ACLU is sending a letter to the council regarding the various concerns I’ve outlined. The immediate question for the CSWG is do we want to say something on Tuesday, and what do we want to say?

Gary Smith (GS): The structure is that the executive submits to council. I think you’re right, the dept is then bound by the SIR and the use of the technology pursuant to those terms. The surveillance ordinance doesn’t assume council will delve into the use of technology, other than considering the WG and public feedback.

SN: The way I had seen the SIR was as a way to inform the discretion of council. I’m afraid we are going to get into a conversation about how to fix the SIR, which will take away from the work we have been tasked to do.

GD: Council also passed the ordinance – proposing an intended use. If you are going to micromanage to Council – then you can explain to them the intended workload.

Joe Woolley (JW): Do you feel that for Tuesday – I get you had qualms with the process and some much larger question. DO you feel like any of the feedback that the WG brought up is compromised or mischaracterized? Is that the root cause of your concern?

SN: My preference is to point the Council to the full PCLIA’s for each set of technology, so they can have full context. My larger concern is the CTO’s response that these concerns are addressed. I don’t know if you’ve had a chance to read the two memos from the CTO’s office, but it seems like no changes are being proposed, based on agency assertions about the intended use and capability of the technologies. It’s substantive, it’s not just that our feedback wasn’t transmitted.

JW: What you’re saying is the CTO reframed or reduced what we put together in terms of how it’s going to council, is that correct?

SN: No, that’s not the concern. The response to the concern that came from the CTO’s office does not address the civil liberties concerns. The response just points to what the SIR already says. We have looked at the SIR and found them not to be… One example, they say in the memo around CCTV’s “by policy and practice, CCTV video recordings are not provided to law enforcement.” There’s no policy pointed to. There’s nothing written down anywhere that says they cannot be provided to law enforcement.

JW: We can talk about the CTO responses, but we as a WG are not – the CTO is entitled to his opinion, and we are entitled to ours. From a process prospective, we can say we don’t like what the CTO has said, but the Council can do what they want.

SN: Do we want to say that we disagree, that’s the question.

JW: I get where you’re coming from with the ACLU. I think the danger we get into as the WG, is when we are constantly raising concerns about the process. If we get outside our lane we are never going to get anywhere. We can leverage what you are coming up with the ACLU, in terms of process. Those concerns should be presented, but they shouldn’t come to a vote for the WG every time for the sake of efficiency and the charge of the WG.

RS: there is an opportunity for you or someone else from the working group to be at the council meeting. Does the person have time to provide comment?

SN: Yes, we should have time to speak at the table.

RS: My instinct would be to use that time to bring these concerns so they are part of the official record.

SN: Looking at the SPD SIR’s, it doesn’t appear that some of the public comments didn’t appear and I’m not sure why. That’s a question for another day.

RS: what does it mean for the Council to approve the SIR? It’s such a lengthy document.

GS: Once the SIR is approved by Council, it becomes binding.

SN: But what if I found SDOT was sharing data - how would it be enforced? I don’t see language that makes this binding and enforceable.

GS: Once council approves the SIR, the rules of the SIR are binding. Ginger, please read:

GA: following council – dept may acquire and approve.. only along lines of the SIR.

GS: I agree where there may be provisions of the SIR that may raise question. But when the SIR represents

SN: That’s exactly the question. It’s not a procedure or protocol. It’s just existing practice. That’s not clear to me that it’s enforceable.

GS: Please read [Chapter 0.2.0 section F](https://library.municode.com/wa/seattle/codes/municipal_code?nodeId=TIT14HURI_CH14.18ACUSSUTE_14.18.020COAPACSUTE) and you’ll see that it applied.

SN: I helped write it, and I don’t believe it’s enforceable.

RS: It’s odd that Council is approving a 400 page document that they probably haven’t read through. Maybe Council approves the SIR, contingent on a few parameters.

Are there expectations, guidelines, principles that the Council wants to move forth with approval of the SIR, for example.

SN: the point of this process is to build the capacity of our communities to understand how these technologies are used. I don’t see the SIR’s as that vehicle, unless it has “policies and procedures”. I’m hearing there is some consensus and some further areas of discussion.

JW: I think it is beyond the scope of the working group to question the larger process – I appreciate that we believe the SIR is flawed in some way – but the WG exists by virtue of the ordinance. I don’t think it’s the most efficient route. I’m empathetic to the concerns, but this shouldn’t be coming up on an ongoing basis. We shouldn’t keep litigating this, and the advocates should address that outside of the working group. I think that will enable the working group to continue to do the work we have been tasked to do. We can acknowledge flaws, but

SN: My goal is to get to a clear consensus. The latter thing that you said Joe, sounds like there is consensus. Present our problems.

JW: Is there anything else we need to discuss?

SN: Rich, any further thoughts? Okay, I’m going to propose – I’ll write up an email and provide it to the group with a proposed course of action, that we take the speaking slot and if we need to have an additional call.

GS: Be cognizant of the 24-hour notice for a special meeting if you need to set a special meeting.

RS: Use the time to express these concerns. I’d also like to convene re: individual meetings with Council.

SN: I’ll be reaching out in the near future about that, with a larger advocacy group.

**Meeting adjourned at 12:57 PM**