



2020 Surveillance Impact Report

Forward Looking Infrared Real-Time Video (FLIR) (KCSO Helicopters)

Seattle Police Department

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Surveillance Impact Report (“SIR”) overview

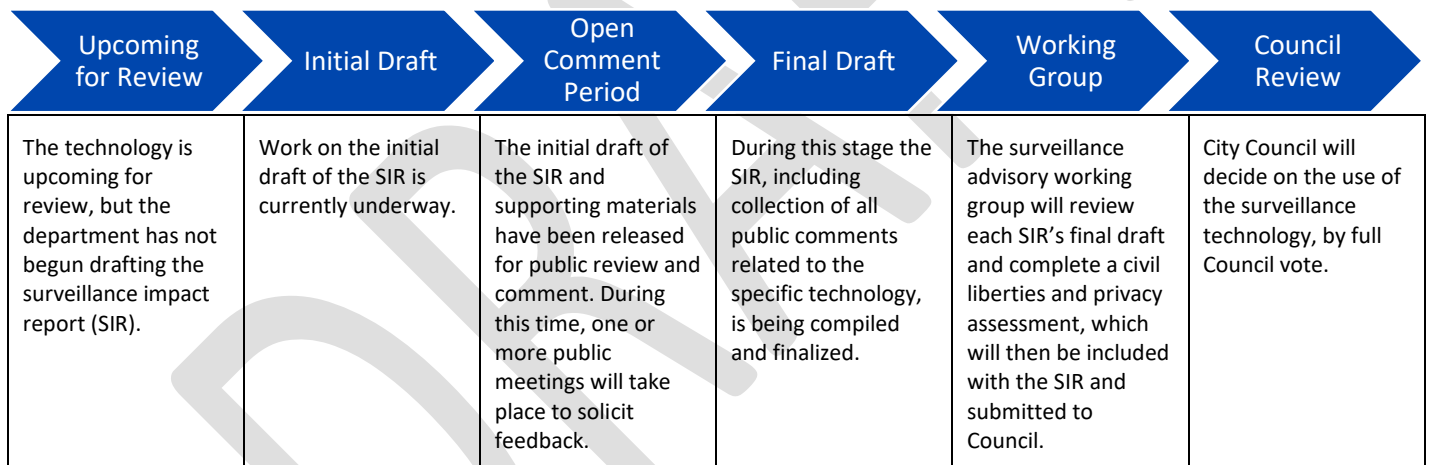
About the Surveillance Ordinance

The Seattle City Council passed ordinance [125376](#), also referred to as the “Surveillance Ordinance”, on September 1, 2017. This ordinance has implications for the acquisition of new technologies by the City, and technologies that are already in use that may fall under the new, broader definition of surveillance.

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”.

Surveillance Ordinance Review Process

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



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.

The King County Sheriff’s Office (KCSO) Air Support Unit is the only full-time rotary-wing law enforcement aviation unit in Washington State. Three separate helicopters, one Bell 206B3 helicopter, one UH-1H “Huey,” and one Bell 407, operate as Guardian One and Guardian Two. The Air Support Unit operates throughout King County and is available to assist the Seattle Police Department at no charge through the Puget Sound Regional Aviation Project, a consortium made up of members from sheriff’s offices in King, Snohomish, Pierce and Kitsap counties as well as Seattle Police and Fire departments, Pierce County Fire Districts, Washington State Patrol, the Department of Emergency Management in Pierce County, the Washington State Department of Ecology, Coast Guard, Navy, and the National Park Service. Guardian One offers air support for patrol and specialized police missions. Guardian Two offers support predominately for search and rescue. These helicopters are equipped with color and forward looking infrared (FLIR) cameras and 30 million-candle power spotlights that enable the location of suspects or disaster victims in darkness or environmental cover.

The Air Support Unit (KCSO) monitors several SPD communication frequencies and if available to assist, advises SPD communications that Guardian One is available to support. In life safety or other serious crime incidents where air support would be beneficial SPD sergeants and or higher ranked personnel may request the assistance of the Air Support Unit. Guardian Two is available as a call-out resource in the event of a significant incident.

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

The aerial vantage point created by the use of helicopters helps trained law enforcement personnel provide enhanced vision to locate and track the movement of crime suspects and disaster victims. The forward looking infrared (FLIR) camera technology housed within the Guardian One and Guardian Two helicopters provides a further enhanced picture of incident scenes by layering heat signatures of individuals and objects on top of the aerial video. The FLIR technology allows for subjects to be detected even when obscured by clouds, haze, or darkness.

Aerial video and infrared technology are tools that may be perceived as invasive to an individual's privacy, as they may be recorded without their knowledge or consent. SPD policy mitigates against the potential for inappropriate use. [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..."

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.

The Guardian One and Guardian Two helicopters provide critical assistance to SPD units on the ground during incidents. The benefits include rapid response to crime or disaster scenes and give law enforcement personnel an enhanced bird's eye view of the situation. "At normal patrol speeds and altitudes, a helicopter can keep an object in view on the ground ten times longer than a ground officer moving at normal street patrol speeds."¹ While conventional night vision technology does augment the user's ability to locate subjects by enhancing visible light, FLIR systems are more effective because they provide images using the heat emitted by subjects and objects.

2.2 Provide any data or research demonstrating anticipated benefits.

¹ <https://kingcounty.gov/depts/sheriff/about-us/enforcement/specialized/helicopter.aspx>

https://www.fema.gov/media-library-data/1464299940004-16fc65457742f7d9a9fd62ae52ec9985/NorthWestRegionalAviation_FINAL_508.pdf

Provides information about Northwest Regional Avion consortium, the challenges faced in the geographical area, and the response to the 2014 SR530 mudslide near Oso, WA. This document also describes the ways in which the Seattle Urban Area Security Initiative, which includes Guardian One and Two operations, provide search and rescue operations, assists with criminal manhunts, and enhances port security, and is an important asset in the response to a variety of threats and hazards.

Alpert, G. and MacDonald, J. (1997). Helicopters and Their Use in Police Pursuit: A Final Report to the National Institute of Justice, Department of Justice.

<https://www.ncjrs.gov/pdffiles1/Digitization/171376NCJRS.pdf>

An analysis of the use of helicopters in police pursuit operations used data from observations and empirical analyses of the aviation units in the Baltimore and Metro-Dade (Fla.) Police Departments and a survey of citizen attitudes; the study concluded that helicopters provide a useful and important service to police and to the pursuit function. The best advantage a helicopter can provide to police is the information aerial vantage points can deliver. Additionally, the speed and relatively unobstructed mobility of helicopter support is a major benefit in pursuit of a fleeing suspect or during a search and rescue operation.

2.3 Describe the technology involved.

The King County Sheriff’s Air Support Unit is the only full-time rotary-wing law enforcement aviation unit in Washington State. Three separate helicopters, one Bell 206B3 helicopter, one UH-1H “Huey,” and one Bell 407, operate as Guardian One and Guardian Two. The capabilities of these aircraft include: forward looking infrared cameras (FLIR), 30-million candlepower “Night Sun” searchlights, Pro Net and LoJack radio tracking receivers, still and video cameras, and communications equipment for communicating with local, state, and federal law and firefighting agencies on their frequencies.

Below are examples from the FLIR camera system mounted on Guardian One:

Example 1: This image shows 2 vehicles and 2 people crouching between 2 residential structures. The exact location has been redacted.



Example 2: A closer view of a residential structure illustrating Guardian One FLIR camera system capabilities.



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. King County Sheriff’s Air Support Unit supports this mission by providing air support for patrol, specialized police missions, and search and rescue operations when aerial operations would benefit the SPD resources on the ground.

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

King County Sheriff’s Air Support Unit is operated by the King County Sheriff’s Office and is available to assist the Seattle Police Department at no charge through the Puget Sound Regional Aviation Project and the Seattle Urban Area Security Initiative (UASI). Per [SPD Policy 16.060 - King County Sheriff’s Office Air Support Unit](#), when Guardian One is operational, the unit monitors SPD radio and advises SPD Communications when they are available to assist during active calls for service.

SPD officers may also request air support assistance directly to Guardian One or through SPD Communications. Per [SPD Policy 16.060](#), “If Guardian One is off-duty, but their assistance is required for a police operation, a[n SPD] sergeant will screen the request and coordinate with Communications.”

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.

Per [SPD Policy 16.060 - King County Sheriff's Office Air Support Unit](#), when Guardian One is operational, the unit monitors SPD radio and advises SPD Communications when they are available to assist during active calls for service.

SPD officers may also request air support assistance directly to Guardian One or through SPD Communications. "If Guardian One is off-duty, but their assistance is required for a police operation, a sergeant will screen the request and coordinate with Communications." If they respond to an SPD call, Guardian One and Guardian Two are documented as responding resources in the CAD event by SPD Communications.

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

While no legal standards must be met prior to use of the technology, there are conditions and policy governing standard operating procedure for SPD.

The King County Sheriff's Office Air Support Unit monitors SPD radio frequencies and offers assistance to SPD based on availability and appropriateness of response. [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. When the Air Support Unit is off duty the request must be screened by sergeant or higher ranked personnel.

During 2018, Guardian One responded 45 times to SPD events. Guardian Two did not responded to any SPD calls during 2018.

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.

The helicopter and FLIR technology are not directly operated by SPD personnel.

SPD Supervisors and commanding officers are responsible for ensuring compliance with all applicable 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](#).

4.0 Data Collection and Use

Provide information about the policies and practices around the collection and use of the data collected.

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.

No additional information is collected or transmitted by SPD related to this technology.

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

The KCSO Helicopters and onboard FLIR technology respond only to SPD emergency events in which air support is beneficial. SPD only receives and accesses information from the KCSO helicopters that is relevant to the incidents to which Guardian One or Guardian Two have responded. The video is requested as evidence from King County and stored using existing video evidence storage policies including [SPD Policy 7.090 – Photographic Evidence](#).

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?

Per [SPD Policy 16.060 - King County Sheriff's Office Air Support Unit](#), when Guardian One is operational, the unit monitors SPD radio and advises SPD Communications when they are available to assist during active calls for service. SPD officers may also request air support assistance directly to Guardian One or through SPD Communications. The SPD policy states, "If Guardian One is off-duty, but their assistance is required for a police operation, a sergeant will screen the request and coordinate with Communications." If they respond to an SPD call, Guardian One and Guardian Two are documented as responding resources in the CAD event by SPD Communications.

The most common type of event in which Guardian One participated with SPD in 2018 was Robbery (8 events), followed by Automotive- including theft and recovery (7 events), Assault (6 events), and Burglary (6 events). Other event types include Domestic Violence, Kidnapping/Abduction, Prowler, Traffic Violations, Warrant Services, Weapons, Person-including missing, found, and runaway, Suspicious Person/Object, and Theft².

4.4 How often will the technology be in operation?

The Air Support Unit operates six days per week and averages 1200 hours of flight time annually. In 2018, Guardian One responded to 45 SPD events. Guardian Two did not dispatch to any SPD calls for service.

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

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² Call type is based on the Case Final Type led in SPD's CAD system for the 45 events in which Guardian One responded.

Established in 2001, the King County Sheriff's Air Unit has been a model for regionalized aviation support for law enforcement and emergency services.

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?

The King County Sheriff's Air Unit helicopters are marked and easily identifiable as law enforcement aircraft to the untrained eye. The FLIR camera system is permanently affixed to the helicopter, however it is not identifiable to the public. The Guardian helicopters and FLIR cameras do not belong to SPD, but rather are county resources available to assist when available.

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

The only information relayed to SPD during the Unit operation is radio transmission from the Air Support Unit. Though the KCSO helicopters have a real-time microwave video downlink capable of transmitting video of ongoing events to units on the ground, SPD does not utilize this function. Recordings made by Guardian helicopters associated with SPD calls for service are regularly requested as video evidence from the King County Sheriff's Office, including FLIR video is needed for evidentiary or investigative purposes. These recordings are provided by the KCSO on high quality evidence-grade DVD. [SPD Policy 7.010](#) governs the submission of evidence and requires that all collected evidence be documented in a GO Report. Per [SPD Policy 7.090 – Photographic Evidence](#), all video evidence not produced by SPD employees is submitted to the SPD Evidence Unit. The SPD Evidence Unit stores the video in the Digital Evidence Management System (DEMS). The King County Sheriff's Office Air Support Unit does record audio and video of their operations and occasionally does release these recordings to the public, including video posted on their [YouTube channel](#).

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

The Guardian One and Guardian Two helicopters and onboard FLIR cameras are operated by the King County Sheriff's Air Unit. When Guardian One is operational, the unit monitors SPD radio and advises SPD Communications when they are available to assist during active calls for service. SPD officers may also request air support assistance directly to Guardian One or through SPD Communications.

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

The use of helicopter air support and onboard FLIR cameras are an indispensable resource for law enforcement and search and rescue operations. Per [SPD Policy 16.060 - King County Sheriff's Office Air Support Unit](#) Per [SPD Policy 16.060 - King County Sheriff's Office Air Support Unit](#), “Guardian One offers air support for patrol and specialized missions. Per [SPD Policy 16.060 - King County Sheriff's Office Air Support Unit](#), “Guardian One offers air support for patrol and specialized missions. Guardian Two offers air support for special operations such as search and rescue (SAR) and tactical missions.” SPD requests air support to assist with locating missing children and vulnerable adults as well as to support patrol operations such as locating a suspects in dark or obscured terrain. When necessary and pertinent to a specific investigation, SPD investigators may request video from KCSO’s Air Unit. This is only done when the video will be entered as case evidence in the investigation of a crime or missing person.

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 are consumers of the information provided by the KCSO Air Unit and do not maintain the systems used to access this information.

5.0 Data storage, retention and deletion

5.1 How will data be securely stored?

Recordings made by Guardian helicopters associated with SPD calls for service are requested as video evidence from the King County Sheriff’s Office, including FLIR video is needed for evidentiary or investigative purposes related to the investigation of a crime or missing person. These recordings are provided by the KCSO on high quality evidence-grade DVD. [SPD Policy 7.010](#) governs the submission of evidence and requires that all collected evidence be documented in a GO Report. Per [SPD Policy 7.090 – Photographic Evidence](#), all video evidence not produced by SPD employees is submitted to the SPD Evidence Unit. The SPD Evidence Unit stores the video in the Digital Evidence Management System (DEMS).

SPD policy contains multiple provisions to avoid improperly collecting data. [SPD Policy 7.010](#) governs the submission of evidence and requires that all collected evidence be documented in a GO Report. Per [SPD Policy 7.090 – Photographic Evidence](#), all video evidence not produced by SPD employees is submitted to the SPD Evidence Unit. The SPD Evidence Unit stores the video in the CJIS certified Digital Evidence Management System (DEMS).

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

SPD’s Audit, Policy and Research Section (APRS) can conduct an audit of any system, including DEMS, at any time. In addition, the Office of Inspector General and the federal monitor can access all data and audit for compliance at any time.

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

SPD policy contains multiple provisions to avoid improperly collecting data. [SPD Policy 7.010](#) governs the submission of evidence and requires that all collected evidence be documented in a GO Report. [SPD Policy 7.090](#) specifically governs the collection and submission of photographic evidence. Evidence is submitted to the Evidence Unit and associated with a specific GO Number and investigation.

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.

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](#).

Per the CJIS Security Policy:

“5.8.3 Digital Media Sanitization and Disposal The agency shall sanitize, that is, overwrite at least three times or degauss digital media prior to disposal or release for reuse by unauthorized individuals. Inoperable digital media shall be destroyed (cut up, shredded, etc.). The agency shall maintain written documentation of the steps taken to sanitize or destroy electronic media. Agencies shall ensure the sanitization or destruction is witnessed or carried out by authorized personnel.

5.8.4 Disposal of Physical Media Physical media shall be securely disposed of when no longer required, using formal procedures. Formal procedures for the secure disposal or destruction of physical media shall minimize the risk of sensitive information compromise by unauthorized individuals. Physical media shall be destroyed by shredding or incineration. Agencies shall ensure the disposal or destruction is witnessed or carried out by authorized personnel.”

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

Unit supervisors are responsible for ensuring compliance with data retention requirements within SPD. 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?

No person, outside of SPD has direct access to the video information provided to SPD by the King County Air Unit once it has been received by SPD.

Video may be shared with 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

Video 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.

6.2 Why is data sharing necessary?

Sharing of video information may be necessary for prosecution or to comply with requests pursuant to public records requests.

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, regulating criminal justice information systems. In addition, Washington State law enforcement agencies are subject to the provisions of [WAC 446-20-260](#) (auditing and dissemination of criminal history record information systems), and [RCW Chapter 10.97](#) (Washington State Criminal Records Privacy Act).

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 requester 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](#) whose purpose it is “to assure that criminal history record information wherever it appears is collected, stored, and disseminated in a manner to ensure the accuracy, completeness, currency, integrity, and security of such information and to protect individual privacy”. 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.

The video recorded by Guardian One and Guardian Two, including the video recorded by the FLIR camera system, is real-time video recorded during the helicopter’s response to a law enforcement or search and rescue event.

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

Individuals may request records pursuant to the PRA, and 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.

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?

[RCW 9.73.090](#) allows sound and video images to be recorded by cameras mounted in law enforcement vehicles.

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

[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](#).

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.

The nature of the Department’s mission will inevitably lead it to collect and maintain information many may believe to be private and potentially embarrassing. Inherent in video obtained from an aerial platform such as Guardian One and Guardian Two with FLIR camera systems is the risk that private information may be obtained about members of the public. Minimizing privacy risks revolve around disclosure of personally identifiable information by such actives as redacting released video and information and by keeping detailed records of all information released. Images and video obtained by SPD from the KCSO’s Air Unit are considered evidence and the same precautions used to protect other case evidence applies.

[SMC 14.12](#) and [SPD Policy 6.060](#) direct all SPD personnel that “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, officers must take care “when photographing demonstrations or other lawful political activities. If demonstrators are not acting unlawfully, police can’t photograph them.”

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.

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?

Inherent in video obtained from an aerial platform such as Guardian One and Guardian Two with FLIR camera systems is the risk that private information may be obtained about members of the public. The FLIR camera system can pose additional concern to the public about potential for privacy intrusion based on the misconception that the camera can record people and objects inside homes and other structures. As seen in the provided screen captures of FLIR recordings above, heat from homes and other structures can be seen in the image but the FLIR camera on the Guardian helicopters can not see through obstructions like walls and roofs.

8.0 Monitoring and enforcement

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

Per [SPD Policy 12.080](#), the Crime Records Unit is responsible to receive and record all requests “for General Offense Reports from other City departments and from other law enforcement agencies, as well as from insurance companies.” Any subpoenas and 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

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.

SPD’s Audit, Policy and Research Section is authorized to conduct audits of all investigative data collection software and systems, including DEMS. In addition, the Office of Inspector General and the federal monitor can conduct audits of the software, and its use, at any time. Audit data is available to the public via Public Records Request.

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
NA					

Notes:

The Air Support Unit operates throughout King County and is available to assist the Seattle Police Department at no charge through the Puget Sound Regional Aviation Project, a consortium made up of members from sheriff’s offices in King, Snohomish, Pierce and Kitsap counties as well as Seattle Police and Fire departments, Pierce County Fire Districts, Washington State Patrol, the Pierce County Department of Emergency Management, state Department of Ecology, Coast Guard, Navy, and the National Park Service.

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

Notes:

N/A

1.3 Cost savings potential through use of the technology

Helicopter air support units can potentially cost \$200,000 per year, per the Snohomish County Sheriff’s Office Air Support Unit Budget. SPD’s agreement allowing cost-free support from the King County Sheriff’s Office Air Support Unit negates the need for SPD to host its own air unit.

1.4 Current or potential sources of funding including subsidies or free products offered by vendors or governmental entities

SPD’s participation in the Puget Sound Regional Aviation Project consortium allows cost-free support from the King County Sheriff’s Office Air Support Unit.

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

1.1 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
Auburn, WA Police Dept		
Bellevue, WA Police Dept		
Kent, WA Police Dept		

2.0 Academics, Consultants, and Other Experts

2.1 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

3.1 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
"Today's Thermal Imaging Systems: Background and Applications for Civilian Law Enforcement and Military Force Protection."	<i>Proceedings IEEE 31st Annual 1997 International Carnahan Conference on Security Technology (1997)</i>	https://ieeexplore-ieee-org.offcampus.lib.washington.edu/document/626270

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.

Adaption 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 is to eliminate racial inequity in the community. To do this requires ending individual racism, institutional racism and structural racism. The racial equity toolkit 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?

Inherent in video obtained from an aerial platform such as Guardian One and Guardian Two with FLIR camera systems is the risk that private information may be obtained about 3rd parties. While the FLIR camera system can detect and record heat sources inside some structures, it is not able to peer inside homes or other buildings. Though the high definition color cameras mounted on the KCSO helicopters is able to discern individual characteristics, the FLIR camera system video does not capture even the most generic of identifiable individual characteristics such as race, age, or gender. The below image is an example of how individuals are seen by the FLIR system and the color cameras.

This FLIR image shows 5 officers and one police K9 approaching a suspect to is crouched down under a tree. The light color of the officers does not show skin tone but rather the amount of heat they are giving off.



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?

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. A potential civil liberties concern is that the SPD would over-surveil vulnerable or historically targeted communities, deploying Guardian One to diverse neighborhoods more often than to other areas of the City. [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. Determining events in which aerial support would be beneficial is based on the particular event situation and the availability of the King County Air Support Unit.

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

all Seattle neighborhoods

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> Ballard | <input type="checkbox"/> Southeast |
| <input type="checkbox"/> North | <input type="checkbox"/> Delridge |
| <input type="checkbox"/> Northeast | <input type="checkbox"/> Greater Duwamish |
| <input type="checkbox"/> Central | <input type="checkbox"/> East district |
| <input type="checkbox"/> Lake union | <input type="checkbox"/> King county (outside Seattle) |
| <input type="checkbox"/> Southwest | <input type="checkbox"/> 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 are decisions made where the technology is used or deployed? How does the Department work to ensure diverse neighborhoods are not specifically targeted?

Determining events in which aerial support would be beneficial is based on the particular event situation and the availability of the King County Air Support Unit. [SPD Policy 16.060 - King County Sheriff's Office Air Support Unit](#) defines SPD's policy on the use of this technology.

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.” Data sharing has the potential to be a contributing factor to structural racism and thus creating a disparate impact on historically targeted communities. In an effort to mitigate this possibility, 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.

Information collected by Guardian One and Guardian Two cameras, including the FLIR camera system, is shared only with outside entities in connection with criminal prosecutions or in compliance with public records requests 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.

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. [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 the King County Sheriff's Office Air Support Unit helicopters and FLIR camera system by SPD is the out of policy misuse of the technology to improperly surveil the public. SPD policies, including [SPD Policy 16.060 - King County Sheriff's Office Air Support Unit](#) outlines the way in which SPD may utilize air support for patrol and specialized missions. [SPD Policy 6.060 - Collection of Information for Law Enforcement Purposes](#) also 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...”

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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.

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2.1 Scheduled public meeting(s).

Meeting notes, sign-in sheets, all comments received, and questions from the public will be included in Appendix A-C. Comment analysis will be summarized in section 3.0 Public Comment Analysis.

Meeting 1

Date	
Time	
Capacity	

2.2 Scheduled focus Group Meeting(s)

Meeting 1

Community	
Date	

3.0 Public Comment Analysis

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

3.1 Demographics of the public who submitted comments.

Dashboard of respondent demographics.

3.2 Survey Monkey public comments received.

Dashboard of respondent demographics.

3.3 Focus group public comments received.

Dashboard of respondent demographics.

3.4 Digital town hall public comments received.

Dashboard of respondent demographics.

3.5 General surveillance comments received during this public comment period.

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? Departments will be responsible for sharing their own evaluations with department leadership, change team leads, and community leaders identified in the public outreach plan.

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.

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.

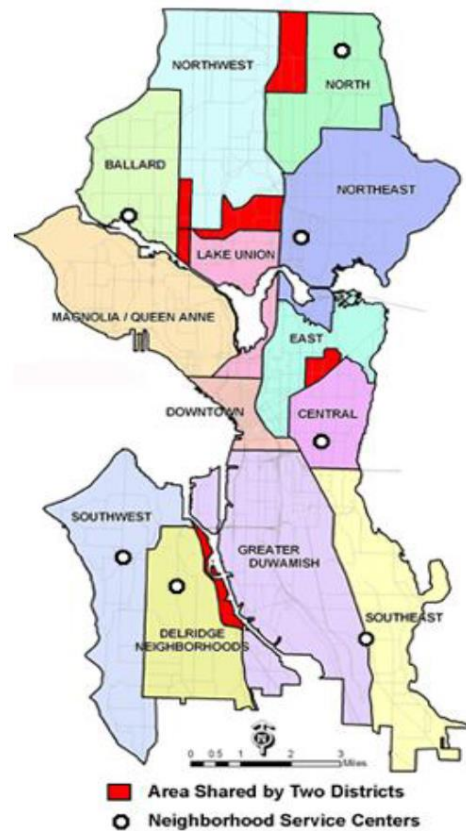
Stakeholders: (taken from the racial equity toolkit.)
Those impacted by proposed policy, program, or budget issue who have potential concerns or issue expertise. Examples might include: specific racial/ethnic groups, other institutions like Seattle housing authority, schools, community-based organizations, 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, 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.



Appendix B: Meeting Notice(s)

Appendix C: Meeting sign-in sheet(s)

Appendix D: All Comments Received from Members of the Public

Appendix E: Department Responses to Public Inquiries

Appendix F: Letters from Organizations or Commissions

Appendix G: CTO Notification of Surveillance Technology

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