



Seattle Office of
Inspector General

Surveillance Technology Usage Review Audio Recording Systems (2022)

As Required by Seattle Municipal Code 14.18.060

September 29, 2023

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Purpose

Surveillance Ordinance Requirements

Per Seattle Municipal Code 14.18.060, OIG is required to annually review the Seattle Police Department (SPD) use of surveillance technology to assess compliance with the requirements of Chapter 14.18.

Non-Audit Statement

This review was not conducted under Generally Accepted Government Auditing Standards (GAGAS); however, OIG has followed GAGAS standards regarding the sufficiency and appropriateness of evidence.





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Executive Summary

The summary below highlights significant audit findings and recommendations regarding compliance with SMC 14.18.060.

14.18.060 Provision	Compliance Determination	Auditor's Findings	Recommendations
A. How surveillance technology has been used, usage frequency, and whether usage patterns have changed.	<p>Yes</p> 	Observed use of Audio Recording Systems conformed to authorized use as defined in the SIR.	No recommendations.
B. How often surveillance technology or its data is shared with other entities, including government agencies.	<p>Needs Work</p> 	SPD does not track inter-agency sharing of these recordings.	<p>Recommendation 1: SPD should develop a process for identifying and tracking all instances when audio recordings from wires are shared with external entities.</p>
C. How well data management protocols are safeguarding individual (personal) information.	<p>Yes</p> 	Policies and processes for securing audio recording files appear sufficient.	No recommendations.
D. How deployment of surveillance technologies impacted or could impact civil liberties or have disproportionate effects on disadvantaged populations, and how those impacts are being mitigated.	<p>Yes</p> 	Sworn officers included warrants authorizing all uses of these systems within the review period.	No recommendations.



14.18.060 Provision	Compliance Determination	Auditor's Findings	Recommendations
E. A summary of any complaints or concerns about the surveillance technology and results of internal audits or assessments of code compliance.	Yes 	No complaints or concerns noted for 2022.	No recommendations.
F. Total annual costs for use of surveillance technology, including personnel and other ongoing costs.	Yes 	The 2022 prorated licensing and maintenance costs for this technology totaled to \$7,342.65.	No recommendations.



Technology Description

“Audio Recording Systems” refers to covert physical devices (also known as “wires”) used to obtain information in criminal investigations. The SPD Technical & Electronic Support Unit (TESU) manages these devices and oversees requests to use them. An essential component of the request process is TESU’s verification that requests adhere to the Washington Privacy Act, Chapter 9.73, which requires two-party consent. Two-party consent to record can be satisfied with a warrant approving the collection of audio. Once approved, a wire can be deployed on a person, concealed in a space, or disguised within/on objects to capture audio of conversations between identifiable individuals. In almost all cases, at least one participant – the suspect – is unaware of the recording.

This Usage Review focuses on the audio recording capability of wire devices. There is overlap with another surveillance technology, “Camera Systems,” as these wires can utilize a removable camera attachment to record video.¹ That capability will be analyzed in a separate Annual Usage Review.

Reporting Limitation

The efficacy of wires and the safety of those who use is highly dependent on the confidentiality of this technology and the manner of use. To complete this assessment, SPD has provided all information and access deemed necessary by OIG for appropriate oversight. This report is intended to provide information necessary to demonstrate there is proper oversight of and knowledge about the use of wires, while maintaining certain information as confidential due to safety considerations.

¹ Seattle City Council approved SPD’s Camera Systems through Ordinance 126771. SPD prepared and submitted a separate SIR for those systems.



A. 2022 Surveillance Technology Usage

SMC 14.18.060, § A:
How surveillance technology has been used, how frequently, and whether usage patterns are changing over time.

SPD controls the use of these systems with two criteria: 1) requests must comply with local and state laws, and 2) deployments of these systems are approved only as necessary. Pursuant to RCW 9.73, TESU requires any wire request include a case number and a copy of the warrant permitting the deployment (and when applicable, third-party consent).² If requirements are met, TESU further regulates use by only approving requests where: few or no other options for evidence collection exist, deployment does not pose an unreasonable risk to the requesting officers' safety, and deployment would not reveal the device.

Patterns of Use

Under these use standards, SPD rarely deploys wires; in 2022, TESU approved seven deployments, all involving felony fraud investigations.

Use of Voice Recognition Technology

A concern the community expressed within the SIR was the possibility SPD may use voice recognition or authentication technologies in conjunction with wires. TESU staff explained that SPD does not use or approve use of voice recognition technologies.

B. Data Sharing with External Partners and Other Entities

SMC 14.18.060, § B:
How often surveillance technology or its data are being shared with other entities, including other governments in particular.

TESU controls the inventory of wires and oversees the extraction of audio recordings from devices after use. Once extracted, TESU stores recordings on external disc drives and provides them to officers. TESU then purges recordings and overwrites files on a device multiple times to ensure complete deletion. TESU does not retain copies of audio files; the case officer is the *de facto* custodian of wire recordings and is responsible for all data sharing. SPD Policy 7.010 applies to all employees who collect and submit evidence to the Evidence Unit, including audio recordings created by wires. Although the physical discs containing digital recordings must be sent to the Evidence Unit,

² In cases where a victim or other third party is involved in the creation of the audio recording, a document capturing their consent must be included with the wire request. In rare cases, a warrant may not be necessary if the circumstances if the use satisfies either Washington state laws, RCW 9.73.210 or RCW 9.73.230.

they do not track the origin of evidence submitted to them. As a result, OIG was not able to verify that physical discs containing recordings from wires had been appropriately stored according to SPD policy. Furthermore, OIG could not determine the entities with whom these data were shared and how often; however, the SIR states audio recordings may be shared with the following:

- 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

Additionally, data collected from a wire recording may be shared externally with other law enforcement. As stated in Section 6.1 of the SIR:

“discrete pieces of data collected by audio recording devices 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.”

Recommendation 1: SPD should develop a process for identifying and tracking all instances when audio recordings from wires are shared with external entities.

C. Data Management and Safeguarding of Individual Information

SMC 14.18.060, § C:

How well data management protocols are safeguarding individual information.

Data Retention

Per TESU personnel, audio data from a wire is retrieved from the device by connecting it to a dedicated workstation located in a Secure Compartmented Information Facility (SCIF). Access to the SCIF is limited to TESU personnel; only TESU personnel are authorized to extract and store recordings onto discs. The device is wiped after each



use, and no copy of the audio data is stored in any manner other than on the disc.

Once an audio recording is transferred to a disc, it is turned over to the custody of the case officer. Physical security of this disc is the responsibility of the officer. Physical discs containing audio recordings are subject to SPD Policy 7.010, which requires evidence be catalogued with a General Offense number and submitted to the Evidence Unit. The digital recordings may be added to Evidence.com as well, where they are stored indefinitely. While there is no apparent control on the ability to copy a disc, or remove or store it outside an SPD facility, SPD Policy 7.010 prohibits unauthorized copying or dissemination of evidentiary recordings.

D. Impact on Civil Liberties and Disproportionate Effects on Disadvantaged Populations

SMC 14.18.060, § D:
How deployment of surveillance technologies impacted or could impact civil liberties or have disproportionate effects on disadvantaged populations [...].

As discussed in Section A of this report, use of this technology is limited by Washington State law requiring either two-party consent to record or a warrant that satisfies consent. OIG examined TESU records and found that SPD officers included warrants authorizing all seven uses of the use of these systems within the review period.

Provided this technology is consistently deployed in compliance with state law, and as described in the SIR, OIG does not expect use of this technology to improperly impact civil liberties or have a disproportionate effect on disadvantaged populations.

E. Complaints, Concerns and Other Assessments

SMC 14.18.060, § E:
A summary of any complaints or concerns received by or known by departments about their surveillance technology and results of any internal audits or

Office of Police Accountability (OPA) Complaints

There were no complaints or concerns submitted to OPA regarding this surveillance technology in 2022.

City of Seattle Customer Service Bureau Complaints

No complaints regarding this surveillance technology were submitted to the City of Seattle Customer Service Bureau during 2022.



*other assessments
of code compliance.*

Internal Audits or Assessments

No internal audits or assessments were conducted on this surveillance technology during 2022.

F. Total Annual Costs

SMC 14.18.060, § F:
*Total annual costs
for use of
surveillance
technology,
including personnel
and other ongoing
costs.*

According to TESU, costs incurred for Audio Recording Systems follow multi-year cycles, depending on contract length. TESU staff prorated the cost of these systems for 2022 and arrived at a total cost of \$7,342.65 for licensing and maintenance. Personnel costs associated with use are not possible to determine, given the limited use of this technology in widely varying circumstances, since SPD does not separately track this activity in time increments.



Surveillance Technology Usage Review

Audio Recording Systems (Wires) (2022)

Recommendation Response

1. SPD should develop a process for identifying and tracking all instances when audio recordings from wires are shared with external entities.

SPD Management Response

Concur Do Not Concur

Estimated Date of Implementation: December 2024

Proposed Implementation Plan: The Investigations Bureau is currently working on a bureau-wide manual, as are the individual units that make up the bureau. As we write these manuals, we will develop a process for tracking evidence we share externally and include it within the appropriate unit and bureau manuals.