Seattle Information Technology

2020

Surveillance Technology Community Equity Impact Assessment and Policy Guidance Report

Seattle Information Technology

Purpose

The purpose of the Equity Impact Assessment is to provide analysis about whether the Surveillance Ordinance is meeting its goals and to provide recommendations about changes, adjustments, or new approaches to meet its stated objectives. The required report is outlined in SMC 14.18.050 as follows:

> *Every year, beginning by no later than September 15, 2019, and continuing by no later than September 15 each year thereafter, the Chief Technology Officer shall produce and submit to the City Council a Surveillance Technology Community Equity Impact Assessment and Policy Guidance Report ("equity impact assessment"), to be filed with the City Clerk with an electronic copy to the Council, the Chair of the committee responsible for technology matters, the co-chairs of the Working Group, the City Auditor, the Inspector General for Public Safety, and the Director of Central Staff, and posted to the City's website.*
>
> *The equity impact assessment shall address, at a minimum, the following:*
>
> 1. *Whether this Chapter 14.18 is effectively meeting the goals of the Race and Social Justice Initiative, including whether any communities and groups in the City are disproportionately impacted by the use of surveillance technologies;*
> 2. *What adjustments to laws and policies should be made to remedy any disproportionate impacts so as to achieve a more equitable outcome in the future; and*
> 3. *Any new approaches and considerations the City Council should bring to future reviews of requests for Council approval submitted pursuant to Section 14.18.030.*
>
> *B. The CTO shall consult with the co-chairs of the Working Group in the writing of the equity impact assessment, and shall include all Working Group feedback and recommendations in the equity impact assessment; if the CTO disagrees with a recommendation, the CTO shall provide an explanation of the disagreement in the report.*

Report Organization

This report provides sections devoted to:

- **Ordinance Background**
- **Report Summary**
- **RSJI Goals and Community Impact**
- **Recommended Policy and Legal Adjustments**
- **Future Review Considerations**

Background

The Surveillance Ordinance

Seattle Municipal Code (SMC) Chapter 14.18, also known as the "Surveillance Ordinance", was passed to provide greater transparency to City Council and the public when the City acquires technology that meets the City's definition of surveillance. SMC 14.18 outlines requirements that include surveillance technology review and approval by City Council before acquisition for new technologies; Council review and approval via ordinance for existing technologies; and reporting about surveillance technology use and community impact. The Surveillance Ordinance is meant to protect the information of vulnerable populations who may not understand how information they give to the City could be used. The American Civil Liberties Union and the Seattle Privacy Coalition are active partners in this effort.

SIR Completion Status

Two (SDOT's CCTV and LPR) were reviewed and approved in September 2019. To date, drafts of the following SIRs have been completed but not submitted to Council for review and approval. These will be ready for Council consideration later in 2020:

Department	Technology	Description
SDOT	Acyclica	Traffic management and travel time reporting
SFD	Computer Aided Dispatch (CAD)	Emergency response and resource management
	Emergency Scene Cameras	Incident documentation for response purposes
	Hazardous Materials Cameras	Distance assessment for response determination
SCL	Binoculars	All three technologies are used for unpaid electricity consumption (Current Diversion) investigations
	Check Meter Device	
	SensorLink AmpFork	
SPD	Computer Aided Dispatch (CAD)	Emergency response and resource management
	Automated License Plate Reader (ALPR)	Public safety and theft investigations
	Parking Enforcement (Including ALPR)	Parking enforcement
	CopLogic	Public police reporting system for low-level crime
	911 Logging Recorder	Access to logged recordings of 911 center calls

Report Summary

This report finds that delays associated with the response to the COVID19 pandemic and subsequent extension of the 9/2020 deadline has significantly delayed submission of new SIRs to Council for consideration and has also decreased the ability to assess the effectiveness of this law in identifying and remediating equity issues associated with identified surveillance technologies. Because of these delays, analysis of those policies' effectiveness will be better considered in the 2021 report.

RSJI Goals and Community Impact

Whether this Chapter 14.18 is effectively meeting the goals of the Race and Social Justice Initiative, including whether any communities and groups in the City are disproportionately impacted by the use of surveillance technologies

SIR RSJI review

We included a modified RSJI review methodology for the SIR to ask and document equity concerns for the technologies under review. The purpose of this section of the SIR is:

1. To provide a framework for the mindful completion of the Surveillance Impact Reports 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.
2. To highlight and mitigate any impacts on racial equity from the adoption and the use of the technology.
3. To highlight and mitigate any disparate impacts on individuals or vulnerable communities.
4. To fulfill the public engagement requirements of the Surveillance Impact Report

Comment Analysis

While we do not yet have enough experience to assess whether the policies related to the technologies identified as surveillance are effective, the comments submitted during the public engagement periods are useful in understanding sentiment about potential disproportionate impact of technologies.

Public Engagement

Public engagement conducted for the completed SIRs included public meetings, discussion at previously scheduled departmental public meetings, summary video and documents for each technology, focus group discussions and an invitation to provide online comments during the public comment periods for each technology review. These materials were posted publicly and are available online. Public engagement events were conducted across the City to introduce the public to the technologies, invite questions and discuss issues about the technologies under review. Significant effort was made to include diverse groups, including invitations to over 60 community groups and civil liberties advocating organizations, and translations of event notices and technology summaries.

Subsequently, the COVID-19 pandemic has delayed additional opportunities for public engagement and contributed to the delays in the process of completing Surveillance Impact Reports ("SIRs"). While the Governor's Stay Home, Stay Healthy guidelines and limitations are in place, we recommend that we use interactive, online public meeting technologies, like WebEx, to meet the Surveillance Ordinance public engagement requirements and ensure ample opportunity for community input.

Themes

Specific concerns about disproportionate use or disparate community impact were not raised for the SIRs that have been completed. The main themes for comments provided included general concern about the concept of government unnecessarily or over-surveilling in a way that could impact individual rights and civil liberties; uneasiness regarding how data and information is shared with other

government agencies or City departments; appropriate application of department and city policy enforcement to ensure proper data use and management; and the potential for data collected for one purpose being used for other purposes related to public safety and law enforcement. There were also comments requesting additional cameras to enforce bike lane regulations and park safety.

Recommended Policy and Legal Adjustments

What adjustments to laws and policies should be made to remedy any disproportionate impacts so as to achieve a more equitable outcome in the future

As discussed above, disproportionate community impacts were not identified through public engagement for the technologies reviewed or the first two SIRs which were approved in September 2019.

While the City's Surveillance Ordinance provides an high level of oversight on the use of surveillance technologies, two key challenges and recommendations to achieve a more equitable outcome in the future identified in the 2019 Equity Report have become more pressing within the context of the COVID-19 crisis:

1. **The timeline for implementation of the ordinance leaves inadequate time for reviewing the remaining SIRs, and in particular, cuts off time for meaningful community review.**

   Given the delays associated with the 2018 Amendment, the deliberation about the SIR summary requested by Council, the time required to collaborate and finalize a Condensed SIR for each technology under review, and the delays caused by COVID-19, additional extension requests to the SIR submission deadline are anticipated and will be reflected in revised workplans submitted to the Executive, Council, and Working Group.

2. **The process of community review itself currently does not allow broad engagement by the public in the implementation process.**

   The Ordinance requirements for public engagement are prescriptive. The City uses those requirements as a baseline to conduct public engagement, in addition to clear direction to work with the Department of Neighborhoods. We are expanding this reach by collaborating with the CSWG and finding new ways to support online public engagement opportunities to ensure we are reaching as many communities as possible.

Council Considerations for Future Reviews

Any new approaches and considerations the City Council should bring to future reviews of requests for Council approval submitted pursuant to Section 14.18.030

Policy Collaboration

As identified in 2019, the final stage of analysis and discussion between stakeholders about the condensed SIR and the operational policies highlighted therein, occurs late in the process, before final SIR draft submission to Council. A review and identification of policy principles in advance of this final review would be more impactful method of informing and establishing acceptable policies about the use

of the technologies under review. Moving this conversation to the beginning of the process in a discussion about acceptable use and civil liberties protecting data management policies and principles would be an effective approach to achieving Ordinance objectives.

Additionally, this protracted process has delayed acquisition of new technologies that meet the definition of surveillance. A consideration for future work would be to prioritize review of new technologies over retroactive reviews.