2023

Surveillance Technology Community Equity Impact Assessment and Policy Guidance Report

Seattle Information Technology

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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 Ordinance language definition this required report is 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.*

Please note: Currently the working group is unable to meet quorum. The current members have been provided with a copy of the Equity report. Since April of 2023 ITD has tried to help with staffing the group. Due to the low number of applications the City has not been able to move forward with new appointments. Please see Community Surveillance Working Group section for more detail.

Report Organization

This report provides sections devoted to:

- **Ordinance Background**
- **Community Surveillance Working Group**
- **RSJI Goals and Community Impact**
- **Recommended Policy and Legal Adjustments**
- **Future Review Considerations**
- **Approved Technology Equity Metrics**

Background

The Surveillance Ordinance

The Seattle City Council passed SMC 14.18, known as the "Surveillance Ordinance," to provide greater transparency to City Council and the public when the City acquires technology that meets the City's definition of surveillance. The Surveillance Ordinance, which took effect in September 2017, 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

To date, the following SIRs have been completed and approved by City Council:

Department	Technology	Approved
SDOT	CCTV[1]	9/23/2019
SFD	Computer Aided Dispatch (CAD)	3/22/2021
SCL	Binoculars	
	Check Meter Device	
	SensorLink AmpFork	
SFD	Emergency Scene Cameras	9/20/2021
	Hazmat Cameras	
SPD	Computer Aided Dispatch (CAD)	4/19/2021
	Automated License Plate Reader (ALPR)	
	Parking Enforcement (Including ALPR)	
	CopLogic	
	911 Logging Recorder	
	Forward Looking Infrared (FLIR)	5/24/2021
	Video Recording Systems	
	Situational Awareness Cameras	
	Audio Recording Devices	5/17/2022
	I2 iBase	
	Crash Data Retrieval	2/28/2023
	GeoTime	

[1] Of note, neither Acyclica and LPR are no longer in use and therefore excluded from this report.

	Camera Systems	
	Computer, Cellphone, and Mobile Device Extraction Tools	
	Remotely Operated Vehicles (ROVs)	
	Tracking Devices	

Additional Surveillance Impact Reports were submitted to City Council but have not yet been approved. These reports are detailed below.

Department	Technology
SPD	Callyo
	Hostage Negotiation Throw Phone

Community Surveillance Working Group

The adopted Ordinance section 14.18.080 outlines the process of establishing the Community Surveillance Working Group (CSWG):

> *There is established the Community Surveillance Working Group ("Working Group") to advise the Council and Executive on matters of surveillance technology from a community perspective.*
>
> *1. The Working Group shall consist of seven members appointed by the Mayor and Council, including four members by the Mayor and three members by the Council, and shall be finalized by December 1, 2018. This group shall be reevaluated 18 months after its first meeting to review its effectiveness in composition and process.*
>
> *2. The Working Group shall elect co-chairs at its initial meeting. The Working Group shall meet at least once per quarter. All meetings of the Working Group shall be open to the public and all final documents and reports to the Council shall be posted by the CTO to the City's website.*
>
> *3. At least five members of the Working Group shall represent equity-focused organizations serving or protecting the rights of communities and groups historically subject to disproportionate surveillance, including Seattle's diverse communities of color, immigrant communities, religious minorities, and groups concerned with privacy and protest.*
>
> *4. The seven positions on the Working Group shall be numbered one through seven. The initial terms of odd-numbered positions shall be two years and the initial terms of even-numbered positions shall be three years. All subsequent terms shall be for three years. Working Group members may serve up to two consecutive terms. Any vacancy in an unexpired term shall be filled in the same manner as the original appointment. A member whose term is ending may continue on an interim basis as a member with voting rights until such time as a successor for that position has been appointed.*
>
> *5. The Working Group shall organize itself and adopt such rules and administrative procedures for its own governance, consistent with City Charter and ordinances, as are necessary for its functions and responsibilities*

The IT department has employed multiple methods of outreach to help support City Council and the Mayor's Office in their appointments to the CSWG. Outreach has been conducted through social media platforms and other formal City communication channels, partnering with internal community liaisons, by attending public facing community meetings, reaching out to people directly, as well as asking current Working Group members for support in raising awareness within their networks. We will continue our outreach and recruiting efforts to have a full CSWG.

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

Per requirements laid out in Council approval for several technologies, department staff will be working on metrics for consistent reporting for future CTO Equity Reports.

Public Comment Analysis

Our public engagement efforts have produced several comments that 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 documents for each technology, 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. Due to the Covid emergency meetings and public engagement events were and continue to be conducted online. This format has proven to be more accessible and enabled more flexibility for attendees and departments. In order to support continued accessibility endeavors, departments provided translations of summaries in the 7 languages and have always encouraged a physical letter or direct contact with the privacy team or subject matter experts for the technology being reviewed.

Themes

Specific concerns about disproportionate use or disparate community impact were not raised for the SIRs that were 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.

Effects of Implementation

Since the implementation of the SIR review process, departments have recognized the concerns raised by communities and have begun pursuing alternative technologies that may be less invasive or raise fewer civil liberties concerns. For example, due to privacy concerns and operational impacts SDOT has retired their LPR and Acyclica systems that are end of life and will not be replacing them.

Metrics Collection

Ordinance amendments have mandated that departments are responsible for providing equity metrics to ITD for evaluation.[2] It is important to note that departments are struggling to resource and operationalize equity data collection due to staffing and/or technical limitations of the tools. The technologies themselves are often not designed to collect the data that informs or enables measurement of equity impacts.

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. Concerns and comments are primarily focused on the use of surveillance technologies by law enforcement and potential for civil liberties abuse without appropriate policies or oversight. An additional frequently addressed concern that is not explicitly covered by the ordinance is an increased focus on the cybersecurity and overall security of some of the systems or data collected.

While the City's Surveillance Ordinance provides a high level of oversight on the use of surveillance technologies, some key challenges to achieving a more equitable outcome are detailed in the observations below:

Observations

- **Prescriptive requirements limit participation**: The Ordinance requirements for public engagement are prescriptive, detailing how both public engagements should be conducted and what demographic data must be collected during public meetings. Requiring demographic data collection has in some cases dissuaded members of the public from participating in scheduled events.
- **Not reaching target communities:** Demographic data collected during public engagement events and comment periods that are focused on specific technologies, as required by the ordinance, show primary engagement is not occurring within communities that are historically disproportionately affected by surveillance.
- **Technology focus limits conversation about use policies:** A disproportionate percentage of participation is occurring from individuals who have deep understanding of technology or specific aspects of technology, such as cybersecurity. Despite efforts to make material more accessible to a general audience, some technologies rely on highly technical concepts which require background knowledge and attracts specific audiences with technical knowledge. This focus can derail the policy and use focus that the Ordinance intends to promote through public engagement and comment periods and can dissuade members of the public from participating in the conversation.
- **Out of scope interest:** Members of the public often come with questions or desire conversations related to technologies that are not in scope of the ordinance or that are exempt technologies. This includes body-worn cameras, security cameras, and traffic enforcement cameras that are of interest and readily observable technologies.

[2] In order to access amendments please use this link and search for the technology and its respective amendment

- **Equity Metric Report Data Scarcity/Production:** While the City of Seattle as a whole suffers from staffing shortages, it is most acutely felt in the areas of public safety. Resourcing constraints, in addition to technical limitations, have resulted in challenges in identifying and producing data to support equity metrics.

Recommendations

Based on the above stated observations, we recommend the following:

- **Broader surveillance conversation:** To give platform to a more active and robust conversation, we recommend that the City create a number of opportunities to engage the community in a broader conversation around surveillance that is not focused on specific technologies that are under review. This approach could surface the specific concerns and interests around surveillance technologies into a high-level discussion of privacy and/or security risk that will appeal to a wider community and could influence a more general and coordinated Citywide approach to the use of these technologies.

- **Create a separate channel for technical questions and feedback:** City departments should provide specific engagement opportunities for conversations and discussions about the more technical aspects of the technologies under review. This will help ensure that the right subject matter experts are involved and will avoid conversations being dominated by topics and language that are inaccessible to community members who lack that knowledge and who want to engage about the impacts rather than the operations of the technology.

- **Optional demographic data collection:** As we have witnessed that many public engagement participants are uncomfortable providing detailed demographic data (including name, gender, age, race, neighborhood) at events, we recommend removing the requirement for this data collection. We believe this may further help encourage participation.

- **Revisit equity metrics approach:** The technology in use is often not able to support the reporting requirements set forth in the Ordinance. This is both due to the nature of the data collection as well as the ability of departments to dedicate resources to this specific work. We would recommend that City Council work with departments to determine how to operationalize collection of equity metric data.

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.

Working Group

In May 2021, ITD supported a process, per Ordinance requirement, to evaluate the role of the Working Group. Per Central Staff Clerk filing 322044:

> *On October 5, 2018, Council passed Ordinance 125679, which created the Surveillance Working Group (SWG) "to advise the Council and Executive on matters of surveillance technology from a community perspective." That ordinance also stated that the SWG "shall be reevaluated 18 months after its first meeting to review its effectiveness in composition and process. The evaluation was delayed by the COVID-19 pandemic, and in January 2021, Councilmember Pedersen, as chair of the Transportation and*

Utilities Committee, requested that Central Staff work with his office's staff and the Executive to develop and conduct a survey about the effectiveness of SWG's composition and processes. Executive staff sent the resultant survey to current members of the SWG and to Executive and Legislative staff who have worked closely with creation and/or support of the SWG and its work products.

ITD conducted a survey, completed both by City staff and Working Group members in support of this requirement. The main findings of the survey include:[3]

> *…Some survey responses do identify some shared areas of concern among those who responded to the survey. The strongest areas of agreement between SWG and City staff ratings showed positive ratings of meeting logistics and staffing and a "needs improvement" rating pertaining to maintaining a full complement of appointments to the SWG.*
>
> *Written responses from both SWG and City staff shared concerns about a lack of participation by members. Other areas identified by a majority of SWG members (i.e., at least two of three) as needing improvement include SWG's ability to fulfill its roles and responsibilities, receipt of agendas in advance, and all members contributing to findings.*
>
> *Ratings from a majority of City staff (i.e., two or three of four, depending upon "unable to evaluate" responses) identified areas needing improvement as SWG's understanding of its roles and responsibilities, its decision-making process, its impact assessments, and agenda materials and discussions.*
>
> *SWG has addressed several of these concerns in newly adopted bylaws, including expectations of members' attendance and participation, roles for the chair and co-chair, and formal decision-making processes, with established quorum requirements. The bylaws also suggest that the SWG may develop tools such as templates or checklists to encourage a standardized approach to its impact assessments. In addition, the new bylaws require the SWG to review its membership annually to ensure it reflects the equity-focused representation outlined in Ordinance 126679.*
>
> *It may be useful to distribute this survey again in 12-18 months, to evaluate how the bylaws have affected SWG's performance and composition.*

Our recommendation is that the City Council and Executive revisit the review and recommendations made in the evaluation of the Working Group.

Proactive Policy Collaboration

As the reviews for all of the retroactive technologies have now been completed, we have had the opportunity to identify some additional areas that may have a positive impact to the SIR process and support the intent of the Ordinance. By engaging with stakeholders early in the process, departments requesting technology would have the benefit of incorporating feedback into their SIR process and associated policies which should enable acceptable use of the technology with a focus around any concerns that City Council, members of the public or the Working Group may have. This proactive approach should have a positive impact on future reviews and acquisitions.

[3] Report can be found in appendix

Approved Technologies Equity Reports

Seattle Department of Transportation

CCTV

As of the CTO drafting this report, the City Auditor's usage review for 2022 is still in progress. As such, we have confirmed that findings remain consistent from 2021 and are referencing this in the information below. Findings from 2021 City Auditor's Report:

In terms of civil liberties impacts caused by the CCTV system cybersecurity vulnerabilities, we could not conclude whether CCTV technology had a negative effect on civil liberties or had disproportionate effects on disadvantaged populations because this required information technology security expertise that we did not have access to during this audit.

In terms of where CCTV traffic cameras are located in Seattle, we also could not conclude whether CCTV technology had a negative effect on civil liberties or disproportionate effects on disadvantaged populations because although SDOT has a process to determine where to deploy new CCTV cameras, it does not have a process to document the rationale for the decisions about where to locate the cameras. However, we mapped the locations of SDOT's CCTV cameras in Seattle, which indicated that SDOT placed CCTV cameras in areas based on traffic volume, and they are concentrated along major arterials in the city. The top four census tracts that contain the most CCTV cameras are in the broader Downtown area, and SDOT told us this is because of the high traffic volume and topography of those neighborhoods.

Seattle City Light

Current Diversion Technologies

SCL did not provide data to support equity metrics for Current Diversion Technologies during the drafting period of this report.

Seattle Fire Department

The Seattle Fire Department is currently in the process of identifying resources to support completion of a Racial Equity Toolkit review for the listed technologies. Staffing shortages have impacted resource allocation and stalled data collection to support evaluation of equity related impacts. Findings from this RET review and additional technologies will be included as resources become available. The questions that will be addressed by the toolkit include the following:

Hazmat Cameras

1. Are pictures taken at a disproportionate rate for different areas of the City?
2. Have pictures been taken of individuals? And if so, are they disproportionately members of a vulnerable population?
3. Are pictures that identify individuals shared with law enforcement? And if so, are they disproportionately members of a vulnerable population?

Emergency Scene Cameras

1. Are pictures taken at a disproportionate rate for different areas of the City?

2. Have pictures been taken of individuals? And if so, are they disproportionately members of a vulnerable population?

3. Are pictures that identify individuals shared with law enforcement? And if so, are they disproportionately members of a vulnerable population?

Computer Aided-Dispatch (CAD)

The Seattle Fire Department has identified the following equity metrics pertaining to the Computer-Aided Dispatch technology:

1. Prevalence of Premise Notes in CAD and if they are disproportionally associated with members of vulnerable populations.
2. Impact of Premise Notes on response time.
3. Impact of CAD data on response times based on geographic location, such as neighborhood, station area and zip code.

Seattle Police Department

CAD

The CAD system documents information provided by individuals involved in events or directly observed by SPD personnel. As such, the CAD technology itself is unlikely to carry potential for disproportionate effects on disadvantaged populations. [4]

Automated License Plate Readers (ALPR) (Patrol)

SPD currently has eleven vehicles equipped with ALPR and deployed across all five precincts, based on the size of the jurisdiction. North Precinct has three such vehicles, while South, East, and West Precincts each have two, and the West Precinct has one. There is a single additional unmarked vehicle assigned to a Citywide follow-up unit. Deployment is spread evenly across all precincts.

Deployment of these limited resources could lead to disproportionality based on census demographics for each precinct, but the distribution is spread evenly across all precincts.

Parking Enforcement (including ALPR)

ALPR is content-neutral; it does not identify the race of the driver or the registered owner of the vehicle. However, SPD must continue to follow its policy of limiting use of the technology to strictly routine parking enforcement as well as continuing to delete all data collected by the parking enforcement ALPR vehicles at the end of a parking enforcement officer's shift. SPD must also continue to ensure that all ALPR data collected by the ALPR scofflaw vehicles is used for legitimate law-enforcement purposes.

CopLogic

SPD uses this technology in two ways as an online public interface, referred to as the "individual track" within Coplogic, allowing individuals to report a low-level, non-emergency crime, and as an online password-protected

[4] Seattle Office of the Inspector General, Surveillance Technology Usage Review: Computer-Aided Dispatch (2021)

interface, referred to as the "retail track" of Coplogic, allowing retailers to enter information about retail theft on their property in which a suspect is known and suspect information is available.

In their 2022 surveillance usage report on Coplogic, the Office of the Inspector General pointed out that retail track of Coplogic was at risk of reinforcing practices of racial profiling among retailers, leading to disparities in arrests. They did not find clear evidence of disproportionality in reports submitted through the retail track over the period of their review.[5]

Audio Recording Devices

Audio recording systems are used exclusively during the investigation of crimes and only with consent and/or court-ordered warrant, having established probable cause. There is no distinction in the levels of service SPD provides to the various and diverse neighborhoods, communities, or individuals within the city.

At this time SPD is unable to provide any metrics for analysis, as the Intelligence Unit does not currently collect the requested material on individual deployment basis.

I2 iBase

IBM Security i2 iBase system is used during the investigation of crimes by the SPD Real Time Crime Center and information collected and stored in the system 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. Use of the iBase system is governed by the City of Seattle Intelligence Ordinance, 28 CFR Part 23, CJIS requirements, and any future applicable requirements. At this time SPD is unable to provide any metrics for analysis, as the Intelligence Unit does not currently collect the requested material on individual deployment basis.

Crash Data Retrieval (CDR)

CDR tools are used exclusively during the investigation traffic collisions and only with consent and/or court-ordered warrant. There is no distinction in the levels of service SPD provides to the various and diverse neighborhoods, communities, or individuals within the city.

Geotime

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

At this time SPD is unable to provide any metrics for analysis, as the Intelligence Unit does not currently collect the requested material on individual deployment basis.

[5] Seattle Office of the Inspector General, Surveillance Technology Usage Review: Coplogic (2021)

Computer/Cellphone and Mobile Device Extraction Tools

Data extraction tools are used exclusively during the investigation of crimes and only with consent and/or court-ordered warrant, having established probable cause. There is no distinction in the levels of service SPD provides to the various and diverse neighborhoods, communities, or individuals within the city.

At this time SPD is unable to provide any metrics for analysis, as the Intelligence Unit does not currently collect the requested material on an individual deployment basis.

Remotely Operated Vehicles

The decision to use ROVs is made on a case-by-case basis. SPD does not deploy these devices proactively, but rather as a result of a call for service or pre-planned operation in response to a specific action. Absent exigent circumstances, or consent, a signed warrant is obtained prior to the use of this technology in any protected area.

At this time SPD is unable to provide any metrics for analysis, as the department does not currently collect the requested material on an individual deployment basis.

Tracking Devices

Tracking devices are used exclusively during the investigation of crimes and only with consent and/or court-ordered warrant, having established probable cause. There is no distinction in the levels of service SPD provides to the various and diverse neighborhoods, communities, or individuals within the city.

At this time SPD is unable to provide any metrics for analysis, as the Intelligence Unit does not currently collect the requested material on an individual deployment basis.

Forward Looking Infrared (FLIR / KCSO Helicopter)

The Forward Looking Infrared Systems (FLIR) camera technology is housed within King County Sheriff's Office helicopters and provides an enhanced video of incident scenes by layering heat signatures on top of the aerial video. The FLIR technology allows for subjects to be detected even when obscured by clouds, haze, or darkness.

In their 2022 review, the Office of the Inspector General evaluated addresses where KCSO helicopter disproportionately responded to communities already considered at the greatest disadvantage. However, because Guardian One typically responds to incidents already in progress, OIG could not draw conclusions about disparity in use of the helicopter without a broader review of police deployment and responses. [6]

Video Recording Systems

Video Recording Systems serve as an accountability mechanism ensuring officers follow SPD policy when holding or interviewing suspects and collecting evidence. The risk of misuse or over-surveillance through these

[6] Seattle Office of the Inspector General, Surveillance Technology Usage Review: Forward Looking Infrared Real-Time Video (2021)

technologies is minimal because they are highly visible, and many locations have posted signs notifying individuals that recording is in progress.[7]

Situational Awareness Cameras

The SPD SWAT Unit uses two types of Situational Awareness Cameras: Robot Mounted Cameras and Pole Cameras.

SWAT's written log mentions operations were conducted pursuant to a warrant. All other instances where a warrant was not specified in the SWAT narrative appeared to be exigent circumstances and did not appear to unreasonably infringe upon individual's civil liberties. Suspects and subjects in incidents where Situational Awareness Cameras are deployed are unlikely to be affected by the technology itself. When this technology is deployed in compliance within SPD policy and as described in the SIR, it is more likely to reduce the likelihood of violence by better informing SWAT personnel decision making.

At this time SPD is unable to provide any metrics for analysis, as the SWAT Unit does not currently collect the requested material on individual deployment basis.[8]

[7] Seattle Office of the Inspector General, Surveillance Technology Usage Review: Video Recording Systems (2021 and 2022)

[8] Seattle Office of the Inspector General, Surveillance Technology Usage Review: Situational Awareness Cameras (2021 and 2022)

Appendix

Surveillance Working Group Bylaws:

City of Seattle

Community Surveillance Working Group

Adopted Bylaws as of 6/30/2021

Article I – Establishment

The Community Surveillance Working Group ("Working Group") is established and authorized by Seattle Municipal Code (SMC) 14.18.080 to organize, elect co-chairs, and adopt such rules and administrative procedures consistent with the City Charter and said Municipal Code as are necessary to perform its functions and responsibilities.

Article II – Definitions

A. For the purpose of these Bylaws, the term "consensus" is defined as overwhelming agreement that goes as far as possible toward meeting the interests of all stakeholders.
B. For the purpose of these Bylaws, the terms "Surveillance Impact Report" and "SIR" refer to the reports City departments are required to include in their requests for surveillance technology acquisition or in-use approval as outlined in City of Seattle Surveillance Ordinance 125679.
C. For the purpose of these Bylaws, the term "community engagement session" is defined as any scheduled or announced event where members of the public are invited to provide input on surveillance technologies up for in-use approval or acquisition.
D. For the purpose of these Bylaws, the term "quorum" is defined as a majority of current members.

Article III. Purpose

A. The purpose of the Working Group is to advise the City Council and Executive on matters of surveillance technology from a community perspective by providing an assessment and recommendations regarding the potential impact of surveillance technologies on civil rights and liberties.
B. The Working Group shall provide a privacy and civil liberties impact assessment for each Surveillance Impact Report ("SIR") for any departmental request for surveillance technology acquisition or in-use approval.
C. The Working Group's recommendations shall be informed by its review and consideration of the following:
    1. The potential disparate impact on communities of color and other marginalized communities.

2. The concerns and opinions of community members received via public comments, community engagement sessions, and regularly scheduled meetings.

D. The Working Group shall provide recommendations to the City of Seattle's Chief Technology Officer (CTO) for inclusion in the CTO's annual equity impact assessment in accordance with subsection 14.18.050.B of the SMC.

E. The Working Group shall be re-evaluated 18 months after establishment in accordance with the City ordinance.
   1. The Working Group shall review its membership annually to ensure it accurately reflects the goals of equity-focused representation as outlined in City Ordinance 126679. If the Working Group is found to be out of compliance with the representation goals, it shall provide a request in writing to the Council and the Mayor requesting the appropriate action be taken, including the filling of any vacancies, by the next quarterly meeting.

Article IV – Membership, Terms of Office, Vacancies, Removal from Office

A. Membership

1. As defined in City Ordinance 126679, the Working Group shall consist of:
   a. Seven members; four appointed by the Mayor and three by the Council.
   b. At least five members of the Working Group shall represent equity-focused organizations serving or protecting the rights of communities and groups historically subject to disproportionate surveillance, including Seattle's diverse communities of color, immigrant communities, religious minorities, and groups concerned with privacy and protest.
   c. The seven positions on the Working Group shall be numbered one through seven.
2. Each Working Group member shall be expected to:
   a. Read and adhere to the Working Group Bylaws.
   b. Read all SIRs, public comments and provide to the Working Group, as appropriate, informed comments, and assessments of potential impact of surveillance technologies on civil rights and liberties, including the potential disparate impact on communities of color and other marginalized communities.
   c. Respond in a timely manner to communications that require a response.
   d. Attend quarterly meetings. To remain in good standing, members must attend at least 75% of quarterly Working Group meetings per calendar year. Members must provide advance notice to the co-chairs of any planned absences or schedule conflicts. By simple majority, the Working Group can vote to recommend the removal of any member not in good standing after three unexplained absences. Recommendations to remove members shall be sent by the co-chairs in writing to the appointing agency.
3. The Working Group shall be staffed by the Executive Department with Central Staff input.

B. Co-Chairs

1. The Working Group shall elect two co-chairs from within its membership, each of whom shall be selected annually.
    a. Co-chairs may self-nominate or be nominated by a fellow member. Any member nominated by another must accept the nomination before voting begins.
2. Co-Chairs shall preside over Working Group meetings, set agenda items, sign all official documents of the Working Group, and delegate duties to other members.
    a. Working Group members can request the addition of agenda items by sending notice to Co-Chairs at least a day before regularly scheduled meetings.
3. Co-Chairs shall encourage participation by all members of the Working Group by fostering a collaborative and inclusive environment.
4. Co-Chairs may grant a member's request that a designated alternate represent them at a maximum of two meetings per year. Designated alternatives must be another member of the Working Group.
5. By permission of the Co-Chairs, additional guests may be invited in a participatory capacity, excluding the right to vote, for a given meeting. Such requests must be made at least 10 business days in advance of the meeting at which the guest would appear.
6. In the event that both Co-Chairs are absent or unable to perform their duties, their duties will be assumed by their designee, or by a member approved by the majority of members present.
7. In the event a Co-Chair must resign their position, the Working Group shall elect a replacement Co-Chair at the next meeting or as soon as practicable.

C. Terms of Service, Vacancies, and Conflicts

1. The initial terms of odd-numbered positions shall be two years and the initial terms of even-numbered positions shall be three years. All subsequent terms shall be for three years. Working Group members may serve up to two consecutive terms.
2. Any vacancy in an unexpired term shall be filled in the same manner as the original appointment.
    a. The Working Group shall notify the Council and Mayor of any vacancies and request vacant positions be filled by the next quarterly meeting, following the final meeting attended by the departing member.
    b. A member whose term is ending may continue on an interim basis as a member with voting rights until such time as a successor for that position has been appointed.
    c. If a member cannot attend a meeting, they may request another member act as their proxy by providing their input, opinions, and concerns. Proxies cannot vote on behalf of an absent member.
    d. Should a member resign or cease to be a member for any reason before the expiration of the member's term, a successor may be appointed by the designating authority.

3. If any member of the committee concludes that they have a conflict of interest or an appearance of fairness problem with respect to a matter that is pending before the committee, so that they cannot discharge their duties on the committee in that matter, they shall disqualify themselves from participating in the deliberations and the decision-making process with respect to the matter.

Article III. Rules of Procedure

A. Schedule and Location
   1. The Working Group shall meet at least once per quarter. Additional meetings may be scheduled as needed to facilitate the Working Group meeting all necessary deadlines.
   2. Members of the Working Group will participate remotely while the Governor's Order on physical distancing measures is in place and while the Seattle City Council is conducting its meetings remotely.
      a. When such restrictions are lifted, the Working Group shall vote on whether to continue to meet remotely or at a physical location approved by the Working Group members.
   3. The time, date, and location of Working Group Meetings shall be posted on the City's website at least one week in advance.

B. Decision-Making
   1. Quorum must be established for voting to take place at any Working Group meeting. A minimum of four Working Group members must be present to establish quorum at any meeting.
   2. Decisions shall be made by consensus or by majority vote. Items put to a vote require majority approval of the Working Group members.
   3. Minority or dissenting opinions will be recorded in meeting minutes and in final recommendations.

B. Impact & Equity Assessments and Recommendations to Council
   1. The Working Group shall provide its privacy and civil liberties 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.
   1. A request for a two-week extension may be sent to the City Council in writing. If the Working Group fails to submit an impact assessment within eight weeks of receiving the SIR, the department and City Council may proceed with ordinance consideration without the impact assessment.
   2. The Working Group members shall vote on recommendations to include in privacy and civil liberties impact assessments and comments on the CTO's annual equity impact assessments. 2016 CVH 00926
      a. Working Group members will individually review SIRs and discuss their comments and opinions at the next regularly scheduled meeting.

b. Co-Chairs will summarize the Working Group's opinions and comments into recommendations for the impact assessments. Co-Chairs can delegate this duty to another Working Group member.
c. Final recommendations will be sent to Working Group members for review before Co-chairs draft final versions of Working Group assessments to the Council.
d. Minority or dissenting opinions will be noted in the final recommendations to the Council and CTO.

3. The Working Group may develop tools to encourage a standardized approach for review and communications including:
   a. Templates or checklists for each impact assessment.
   b. The length of time for each period of review.

C. Public Access, Engagement and Records

1. All meetings of the Working Group shall be open to the public and all meeting minutes, recordings and final documents and reports to the Council shall be made available to the public and posted by the Chief Technology Officer to the City's website.
2. Meeting minutes shall be taken by a Working Group member designated at the beginning of each meeting and shall be approved for each meeting by the Working Group at the following meeting.
3. The Working Group shall provide assistance as resources permit to the Executive and Council in ensuring members of vulnerable communities have the opportunity to provide input and feedback on Surveillance Technologies through the SIR approval process.
4. The Working Group shall make a good faith effort to have at least one member in attendance at public engagement sessions.

Article VII – Amendments

Amendment(s) to the Working Group Bylaws shall be made by written resolution submitted at a regularly scheduled meeting and will not be voted upon until the next regularly scheduled meeting.

SEATTLE CITY COUNCIL
CENTRAL STAFF

July 12, 2021

M E M O R A N D U M

To: Transportation and Utilities Committee
From: Lise Kaye, Analyst
Subject: Surveillance Working Group Evaluation

On October 5, 2018, Council passed Ordinance 125679, which created the Surveillance Working Group (SWG) "to advise the Council and Executive on matters of surveillance technology from a community perspective." That ordinance also stated that the SWG "shall be reevaluated 18 months after its first meeting to review its effectiveness in composition and process. The evaluation was delayed by the COVID-19 pandemic, and in January 2021, Councilmember Pedersen, as chair of the Transportation and Utilities Committee, requested that Central Staff work with his office's staff and the Executive to develop and conduct a survey about the effectiveness of SWG's composition and processes.

Executive staff sent the resultant survey to current members of the SWG and to Executive and Legislative staff who have worked closely with creation and/or support of the SWG and its work products. This memo briefly describes the survey process and summarizes its findings. As noted in the Summary section of this memo, the SWG recently adopted bylaws that address several of the issues identified in this survey; a follow up survey in 12-18 months could help evaluate the effectiveness of those bylaws and identify the need for any refinement.

Survey Structure and Findings

Seattle Information Technology Department (Seattle IT) staff distributed a survey (Attachment 1) in May 2021 about the SWG's composition and effectiveness to the seven current members of the SWG, as well as to 11 Executive and Legislative staff who have been closely involved with SWG and surveillance issues. The survey asked participants to rate SWG's performance relative to 23 statements and to provide written responses to five questions. Seattle IT received seven responses by the requested deadline (set for three weeks after distribution of the survey).
While survey responses remained anonymous, the surveys responses identify as SWG members or City staff for purposes of analysis. Seattle IT received three responses from SWG members, a 43 percent response rate, and four responses from City staff, a 36 percent response rate.

Analytical Approach

The survey requested respondents to rate the SWG's performance relative to 23 statements using the following rating scale, and to provide written responses to five questions.

4 – Outstanding
3 – Good

2 – Needs Improvement
1 – Unable to Evaluate

Due in part to the low sample size and response rate, questions rated as "Unable to Evaluate" limited the number of majority positions in response to the statements, as follows:

- Within the three SWG responses, three questions did not generate a majority response due to one or more rating of "Unable to Evaluate"1
- Within four staff responses, 11 questions did not generate a majority response due to two or more ratings of "Unable to Evaluate2

Consequently, the following analysis will identify majority responses, but these will represent as few as two individuals within each surveyed group (SWG members and City staff). Accordingly, the survey findings are not presented as statistically valid but may have some utility in identifying areas of concern among those who responded to the survey.

Highest and Lowest Ratings - Overall

The following three statements received a rating of 3 or 4 (Good or Outstanding) from a majority of both groups (adjusted to exclude ratings of "Unable to Evaluate"):

- All Working Group meetings are scheduled in advance and on dates/times that you can attend (Q7)
- All meetings of the Working Group are noticed open to the public (Q20)
- The Working Group is effectively staffed by the Executive Department with Central Staff input (Q23)

The following statement received a rating of 2 (Needs Improvement) from a majority of both groups (adjusted to exclude ratings of "Unable to Evaluate"):

- For most of its existence, the Working Group has consisted of seven members appointed by the Mayor and Council, including four members by the Mayor and three members by the Council (Q1)

Highest and Lowest Ratings by Group

Table 1 shows statements rated 3 (Good) or 4 (Outstanding) by either a majority of SWG respondents or a majority of City staff respondents (as described, the majority calculation excludes those who rated a statement "Unable to Evaluate"). SWG respondents rated 14 statements highly, compared to four statements rated highly by City staff. As noted above, majority responses from SWG and City staff agreed on three of the statements.

[1] Two questions (#2 and #8) generated a split vote between the two individuals who did not enter a rating of "Unable to Evaluate" and one question (#21) had only one individual who did not enter a rating of "Unable to Evaluate." See Attachment One for the survey questions.

[2] Questions #5, 6 ,8, 10, 12, 13, 15, 17, 18, 19 and 22 received at least two ratings of "Unable to Evaluate." See Attachment One for the survey questions.

Table 1. Survey Statements Rated by Majority as Good (3) or Outstanding (4)

Response	SWG	City Staff
Q3. Understands roles and responsibilities	X	
Q5. Meets at least 1/Qtr	X	
Q7. Meetings scheduled in advance when you can attend	X	X
Q9. Effective decision-making process	X	
Q11. Impact assessments describe potential impacts on civil rights and potential disparate impacts	X	
Q12. Provides Impact Assessment within 8 weeks of receiving final SIR	X	
Q13. Input to CTO's annual equity impact assessment	X	
Q14. Agenda materials/discussions sufficient to explore/resolve key issues	X	
Q15. Meetings provide sufficient time to explore/resolve key issues	X	
Q16. Clear goals, deadlines, and objectives	X	
Q17. Receives timeline responses to inquiries	X	
Q19. Assists in insuring vulnerable, impacted communities have opportunity to provide input	X	
Q20. All meetings are noticed open to the public	X	X
Q21. CTO posts all final documents and reports to the City's website		X
Q23. Effective staffing by Executive Department with Central Staff input	X	X

Table 2 shows statements rated 2 (Needs Improvement) by either a majority of SWG respondents or a majority of City staff respondents (as described above, the majority calculation excludes those who rated a statement "Unable to Evaluate"). Both a majority of SWG and of City staff respondents rated four statements as needing improvement, but as noted above, only one of the statements was common to both SWG and City staff.

Table 2. Survey Statements Rated by Majority as Needing Improvement (2)

Response	SWG	City Staff
Q1. Seven members most of the time	X	X
Q3. Understands roles and responsibilities		X
Q4. Able to fulfill roles and responsibilities	X	
Q6. Agendas in advance	X	
Q9. Effective decision-making process		X
Q10. All members contribute to findings	X	
Q11. Impact assessments describe potential impacts on civil rights and potential disparate impacts		X
Q14. Agenda materials/discussions sufficient to explore/resolve key issues		X
Q16. Clear goals, deadlines, and objectives		X
Q18. Members come prepared to each meeting	X	
Q22. New members receive orientation	X	

Written Responses

Table 3 identifies keywords common to written responses provided to survey questions 23 – 28 (i.e., at least one SWG response and one City staff response). There were no common keywords for questions 27 (enough staff support) or 28 (other comments).

Table 3. Common Keywords in Written SWG and City Staff Survey Responses

Response	SWG	City Staff
Q 24. How group functions as an advisory body		
Lack of participation	X	X
Not all members providing input	X	X
Q25. Areas in which SWG could improve		
Inactive members should resign/robust participation	X	X
Faster appointments	X	X
Q26. Do agendas and meetings support purposes of SWG meetings?		
Improving	X	X
Limited participation/lack of quorum	X	X

Summary

Given the small number of individual responses to the survey and the limited number of responses represented by "majority positions," findings from the survey cannot be considered a broad consensus of opinion among either SWG members or City staff. However, some survey responses do identify some shared areas of concern among those who responded to the survey. The strongest areas of agreement between SWG and City staff ratings showed positive ratings of meeting logistics and staffing and a "needs improvement" rating pertaining to maintaining a full complement of appointments to the SWG. Written responses from both SWG and City staff shared concerns about a lack of participation by members. Other areas identified by a majority of SWG members (i.e., at least two of three) as needing improvement include SWG's ability to fulfill its roles and responsibilities, receipt of agendas in advance, and all members contributing to findings. Ratings from a majority of City staff (i.e., two or three of four, depending upon "unable to evaluate" responses) identified areas needing improvement as SWG's understanding of its roles and responsibilities, its decision-making process, its impact assessments, and agenda materials and discussions.

SWG has addressed several of these concerns in newly adopted bylaws, including expectations of members' attendance and participation, roles for the chair and co-chair, and formal decision- making processes, with established quorum requirements. The bylaws also suggest that the SWG may develop tools such as templates or checklists to encourage a standardized approach to its impact assessments. In addition, the new bylaws require the SWG to review its membership annually to ensure it reflects the equity-focused representation outlined in Ordinance 126679. It may be useful to distribute this survey again in 12-18 months, to evaluate how the bylaws have affected SWG's performance and composition.

Ethical data notation: Any use of these data without the corresponding data summary forfeits SPD citation.