2024

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.*

Report Organization

This report is organized into six sections:

- **Ordinance Background**
- **Community Surveillance Working Group**
- **RSJI Goals and Community Impact**
- **Recommended Policy and Legal Adjustments**
- **City Council Considerations for Future Reviews**
- **Equity Reports for Technologies on the Master List**

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.

Surveillance Impact Report (SIR) Status

- The 28 retroactive technologies identified on the initial Master List of Surveillance Technologies have completed the SIR process with the City Council.
- To date, two SIR Council Bills that were previously passed by the City Council have gone through the material update process. The Surveillance Ordinance requires any material update to an SIR, such as to change the purpose or manner in which a surveillance technology may be used, shall be by ordinance.
    - Council Bill 120053 (Seattle Police Department Forward Looking Infrared Real-time video (FLIR)) originally passed on May 24, 2021, completed the material update process, with the City Council passing new Council Bill 120518 on March 14, 2023.
    - Council Bill 120025 (Seattle Police Department Automated License Plate Recognition (ALPR)) originally passed on April 19, 2021, completed the material update process, with the City Council passing new Council Bill 120778 on June 18, 2024.
- On August 7, 2024, the Seattle Police Department transmitted to the City Council two new SIR technologies (Closed-Circuit Television Camera System (CCTV) and Real-Time Crime Center (RTCC)) for consideration. This was the first time since the Surveillance Ordinance was enacted where it was not a retroactive technology already in use by a department, but a new technology being proposed. At the time of submittal of this annual report, these two SIR Council Bills are under Council review.

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.

To see the current list of Working Group members, please go to https://seattle.gov/surveillance-advisory-working-group/who-we-are. In 2024, several new members to the Working Group were appointed by the Mayor and the City Council. As noted above regarding the two new SIR technologies (Closed-Circuit Television Camera System (CCTV) and Real-Time Crime Center (RTCC)) proposed by the Seattle Police Department, the Working Group completed their Privacy and Civil Liberties Assessment on July 26, 2024. Staff is grateful to the Working Group for their time and commitment in completing the assessment over the eight-week period. Their work can be found in the What We Do section of the public-facing website.

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.

Please consult staff's previous Equity Impact Assessment reports describing the RSJI review methodology in the SIR process, public engagement, and effects of implementation of the Surveillance Ordinance.

Link to 2023 Clerk File 322804
Link to 2022 Clerk File 322426
Link to 2021 Clerk File 322100
Link to 2020 Clerk File 321784
Link to 2019 Clerk File 321423

Staff has determined that yes, Chapter 14.18 is effectively meeting the goals of the Race and Social Justice Initiative. The vision of the Seattle Race and Social Justice Initiative ("RSJI") is to eliminate racial inequity in the community. To do this requires ending individual racism, institutional racism and structural racism. The Surveillance Impact Report's

Racial Equity Toolkit ("RET") provides a framework for answering questions in a way that is sensitive to the historic exclusion of vulnerable and historically underrepresented communities, fulfilling the public engagement requirements, highlighting any impacts on racial equity from the adoption and use of the technology, and mitigating any disparate impacts on individuals or vulnerable communities.

In comparison to the previous five annual reports, staff had the opportunity this year for the first time to assess the SIR process as it relates to RSJI for new technologies being proposed rather than reviewing the SIR process for a retroactive technology. Before this year, the SIR process only dealt with the 28 retroactive technologies that were already in use by departments.

In 2024, the Seattle Police Department, working with the Mayor's Office, proposed two new technologies that required review through the SIR process. The City is exploring new technologies to help detect, deter, and interdict crime in discrete locations where gun violence, human trafficking, and violent crime are persistent (i.e., hotspots). The Technology Assisted Crime Prevention Pilot Project is a new public safety program that will combine a Closed-Circuit Television (CCTV) System with Real-Time Crime Center (RTCC) software together in one view. These two new technologies meeting the criteria for surveillance are a good example of why the Surveillance Ordinance was enacted with the requirement to complete a Racial Equity Toolkit.

The draft SIRs for CCTV and RTCC were posted online on February 2, 2024, with the public comment period open for 67 days from February 5th to April 12th. The length of this public comment period was significantly longer than the period for the retroactive technologies. The City's public engagement and input process included two citywide public meetings, 15 neighborhood meetings, and feedback from organizations such as the NAACP, ACLU, and SPD advisory groups from the pilot areas. More than 1,000 public comments were received for and against the pilot project. In addition, the Mayor's six Community Safety Forums held across the city in the spring also included opportunities for public comment on the technologies.

Seattle IT, the Seattle Police Department, and the Mayor's Office worked collaboratively with the Community Surveillance Working Group and the public to answer questions that arose during the public comment period and SIR review process. Throughout the public engagement process, the City listened to feedback and concerns from both community members and activists. The public engagement for these new technologies was significant and robust in efforts to engage community perspectives in designing safety efforts to be maximally effective and sensitive to viewpoints.

The Mayor's Office, Police Department, and Information Technology Department understood the concerns raised by the public. To address these, the Technology Assisted Crime Prevention Pilot Program will include several protections addressing privacy concerns and unintended consequences of use. This includes limiting surveillance to public places in specific geographic areas where the identified crimes are concentrated, visible appropriate language signage, prohibiting the use of AI facial recognition, minimizing retention periods, broad neighborhood outreach before and during the pilot project, a rigorous and independent implementation and outcome evaluation led by the Office of Inspector General (OIG) and outside academic subject matter experts, and public reporting via a public-facing dashboard that will update frequently and report on the uses of the technologies. Additionally, the SIR and Technology Assisted Crime Prevention Pilot Project work plan will include a number of recommendations from the Working Group and the Office for Civil Rights.

The SIR public engagement process and the required completion of the Racial Equity Toolkit answering the impacts on racial equity from the adoption and use of the technology and mitigating any disparate impacts on individuals or

vulnerable communities for these two new proposed technologies demonstrates the effectiveness of Chapter 14.18 in meeting the goals of the Race and Social Justice Initiative.

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.*

Please consult the 2023 report to see our previous recommendations.

After seven years of continued compliance effort relating to the Surveillance Ordinance, Seattle IT and stakeholder departments have a better understanding of potential improvements to the surveillance approval process and associated policies that would increase efficiency and the public benefits of the law. With emerging technologies like forms of artificial intelligence and new technology requests from departments, Seattle IT welcomes the opportunity to work with the City Council to reexamine and reimagine the surveillance ordinance.

As one example, many municipalities across the country now utilize the Community Control Over Police Surveillance (CCOPS) model from the American Civil Liberties Union (ACLU). Results have generally been positive with involvement of law enforcement and communities engaging in discussion on appropriate technology usage. The differences in this model are primarily in the administration and logistics of the ordinance. This includes a clearer definition and list of exemptions, as well as an emphasis on how the auditing and oversight functions shall operate. Additionally, the burdens of compliance are spread across entities rather than solely focused within one department. Other and newer approaches are worth study and consideration.

City 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.*

Staff has no new approaches or considerations to share pursuant to Section 14.18.030 in this year's report.

Equity Reporting for Technologies on the Master List

Ordinance amendments have mandated that departments are responsible for providing equity metrics to ITD for evaluation.[1] 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. As part of this year's annual report, staff has filed a companion updated September 2024 Master List of Surveillance Technologies. The following reporting from departments are only for SIR technologies listed on the updated September 2024 Master List.

Seattle Department of Transportation:

Closed Circuit Television Equipment "Traffic Cameras"

As of the drafting of this report, the City Auditor's usage review for 2023 is still underway. In the absence of new equity-focused audit findings, staff references the consistency of previous assessments, specifically from the 2021 report.

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

In the 2021 review, it was noted that determining the civil liberties impacts, particularly concerning CCTV system cybersecurity vulnerabilities, was challenging due to the need for specialized information technology security expertise, which was not readily available. Consequently, the report could not definitively conclude whether CCTV technology had a negative effect on civil liberties or disproportionately affected disadvantaged populations.

Regarding the placement of CCTV cameras, SDOT follows a process based primarily on traffic system timing and topography. Cameras are concentrated along major arterials, with the highest density in the broader Downtown area due to these factors. However, the audit highlighted that SDOT does not currently document the rationale behind camera placement decisions in detail. Moving forward, SDOT acknowledges the importance of incorporating equity considerations into our decision-making processes and aims to refine our documentation practices to better address these concerns.

Seattle Police Department:

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. An SIR material update was approved by Council in June of 2024 that expands ALPR cameras to the entire SPD fleet of approximately 350 vehicles. At the time of writing, the ALPR expansion has not yet been deployed.

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 Systems (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.

Forward Looking Infrared Real-time video (FLIR)

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 signature capabilities with aerial video. The FLIR technology allows for subjects to be detected even when obscured by clouds, haze, and/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.

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 individuals' 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. This should be improved in the future.

Audio Recording Systems

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. This should be improved in the future.

Camera Systems – Images or Non-Auditory Video Recordings

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. This should be improved in the future.

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. This should be improved in the future.

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. This should be improved in the future.

Hostage Negotiation Throw Phones

The hostage negotiation throw phone is a phone in a hardened case that is part of a communications system for use in police hostage/crisis negotiations with subjects. The phone case includes microphones and speakers to enable two-way communication in an overt or covert manner. It includes hidden cameras to support threat and tactical assessments. Hostage Negotiation Throw Phones are used during a hostage, crisis, or barricaded person

situation. 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.