



Seattle Office of Inspector General

Surveillance Technology Usage Review: Situational Awareness Cameras Without Recording (2021 and 2022)

As Required by Seattle Municipal Code 14.18.060

July 3, 2023

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Foreword from the Inspector General

Enclosed is OIG's first Annual Surveillance Usage Review on the use of "Situational Awareness Cameras Without Recording" by the Seattle Police Department (SPD). This review was performed pursuant to Seattle Municipal Code 14.18.060, which requires OIG to conduct annual reviews of SPD's use of Surveillance Technologies. "Situational Awareness Cameras Without Recording" comprise multiple types of cameras, and collectively are one of sixteen SPD Surveillance Technologies currently approved by City Council.

OIG contracted with a cybersecurity firm, Critical Insight, to conduct this review—they brought valuable expertise and helpful collaboration to our oversight of SPD use of approved Surveillance Technologies. OIG also facilitated stakeholder feedback from SPD and the American Civil Liberties Union. We appreciate the time and effort these stakeholders devoted to this review. These consultations and perspectives helped to ensure the work was thorough and inclusive, and that our conclusions and recommendations were based on the most complete information available.

In performing this review annually, OIG will continue to engage with SPD and other stakeholders to ensure responsiveness to community concerns and seek new ways to evaluate how SPD uses Surveillance Technologies to further public safety while protecting the rights of individuals in our community.



Critical Insight

CITY OF SEATTLE
SURVEILLANCE TECHNOLOGY REVIEW
SITUATIONAL AWARENESS CAMERAS
WITHOUT RECORDING

SOW-2022-347

JULY 3, 2023

Notice

Critical Insight has made every reasonable attempt to ensure that the information contained within this statement of work is correct, current and properly sets forth the requirements as have been determined to date. The parties acknowledge and agree that the other party assumes no responsibility for errors that may be contained in or for misinterpretations that readers may infer from this document.

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Executive Summary

This Executive Summary highlights major findings and recommendations pertaining to the six elements of SMC 14.18.060. OIG is required to review. The summary below lists significant audit results.

Summary of Assessments and Recommendations Related to SMC 14.18.060

14.18.060 Provision	Compliance Determination	Auditor's Assessment	Recommendations
A. How surveillance technology has been used, usage frequency, and whether usage patterns have changed.	Needs Work 	<p>SWAT Unit owns only two of the four cameras outlined in the SIR.</p> <p>The SWAT Situational Awareness Cameras are capable of recording. Although SWAT reports it does not create recordings, the SIR does not identify or discuss the recording capabilities.</p>	<p>Recommendation 1 SPD should amend the SIR regarding Situational Awareness Cameras Without Recording to reflect current inventory.</p> <p>Recommendation 2 SPD should update the SIR regarding Situational Awareness Cameras Without Recording to reflect the recording functionalities of these cameras or disable these recording features via technical controls.</p>
B. How often surveillance technology or its data is shared with other entities, including government agencies.	Yes 	We found no evidence that data from Situational Awareness Cameras were shared with external agencies in 2021 or 2022 because no data were retained.	
C. How well data management protocols are safeguarding individual (personal) information.	Yes 	As described in the SIR, we found no evidence of recordings created or retained by SWAT for both years.	

14.18.060 Provision	Compliance Determination	Auditor's Assessment	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.	Yes 	Since no data are recorded or retained, there is very low risk of impacts on civil liberties or disproportionate effects on disadvantaged populations.	
E. A summary of any complaints or concerns about the surveillance technology and results of internal audits or assessments of code compliance.	Yes 	Our review found no known complaints related to the use of Situational Awareness Cameras by SPD.	
F. Total annual costs for use of surveillance technology, including personnel and other ongoing costs.	Yes 	The only costs reported for these technologies were maintenance costs in 2022. No additional purchases or other costs were recorded.	

Technology Description

The SPD SWAT Unit uses two types of Situational Awareness Cameras: Robot Mounted Cameras and Pole Cameras.¹

- Robot Mounted Cameras – The Avatar III Robot by RoboteX incorporates a 360-degree optical camera and is controlled remotely by officers from a safe position on scene. The remote range of the Avatar III Robot is approximately 200 meters.

Exhibit 1: Avatar III Robot



- Pole Cameras – The pole camera models utilized by SPD are made by Tactical Electronics and include the Handheld Inspection Tool Flex (HHIT FLEX) and the

¹ The 2020 Surveillance Impact Report (SIR) included two additional models of situational awareness cameras; placeable and throwable cameras, however, SWAT stated that these cameras were not used during the time period of this review and are no longer in their inventory.

Long Pole Search System 3 (LPSS3). Both models are typically handheld during their use and send secure images to the user's handheld remote monitor.

Exhibit 2: LPSS3



The pole cameras are small, portable cameras (4.043 in x 1.842 in) that can be extended from 25.25 inches (when collapsed) to 20 feet (when extended) using a telescoping pole.

Exhibit 3: HHIT FLEX



The HHIT FLEX cameras are modular inspection systems that use flex-and-stay camera necks that are available in a variety of lengths.

SPD temporarily deploys these cameras to view surroundings and gain additional information prior to entering a location. This deployment method provides additional safety and security to SPD personnel, the subjects of the observation, and other members of the community.

Purpose and Objectives

This analysis of the Seattle Police Department's (SPD) use of Situational Awareness Cameras was conducted by Critical Insight consultants at the request of the Office of the Inspector General for Public Safety at the City of Seattle under City Ordinance 125376, under Chapter 14.18.060, which requires an annual review of actual usage of surveillance technologies by SPD. Per Ordinance 125376, this review is required to include, but is not limited to, the following:

- A. How surveillance technology has been used, how frequently, and whether usage patterns are changing over time;
- B. How often surveillance technology or its data are being shared with other entities, including other government entities;
- C. How well data management protocols are safeguarding individual information;
- 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, including, for SPD, an examination of whether deployments are pursuant to warrants or not and how SPD's surveillance technology is used to analyze patterns to predict suspect, individual, or group-affiliation behavior;
- 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 other assessments of code compliance; and
- F. Total annual costs for use of surveillance technology, including personnel and other ongoing costs.

In the course of this review, consultants reviewed the information disclosed in the SIR, as well as SPD policy relating to evidence handling, video surveillance, and bias-free policing.

This report will highlight risks discovered by Critical Insight consultants in the following areas, and give recommendations on how to remediate those risks:

- Is the description of the technology in the SIR complete and accurate?
- Are there clear usage and data management policies in place?

- Does it regulate how and when the surveillance technology will be deployed, and by whom?
- How and where will data gathered by this surveillance technology be stored?
- How long will the data be retained?
 - What process is used to destroy data that are no longer retained?
- How is access to data secured?
 - How is unauthorized access prevented?
 - What access reviews are performed?
- How are data shared outside of the department, and how is sharing or access to those data monitored and audited?
- Are there any auditability concerns about the technology, cost, or usage?
 - Example: Instances where access authorization cannot be reviewed because log data is not available.
 - Example: Instances of the use of a particular surveillance technology not being tagged properly in case notes.

A. Surveillance Technology Usage

The SPD SWAT Unit keeps a written log of each deployment of the Situational Awareness Cameras described in the SIR. This log includes the date of deployment, the General Offense (GO) number associated with the incident, the type of offense, and a brief explanation of why SWAT deployed the Situational Awareness Cameras. The log also identifies which Situational Awareness Camera(s) SWAT used. Aside from this log, SPD maintains no other data that would provide an independent means of assessing the use of these technologies. The written log SWAT provided is highly detailed, and there is no indication that it is substantially inaccurate or incomplete. OIG will continue to assess the reliability of this log in future reviews, but at this time there is no recommendation for additional usage tracking.

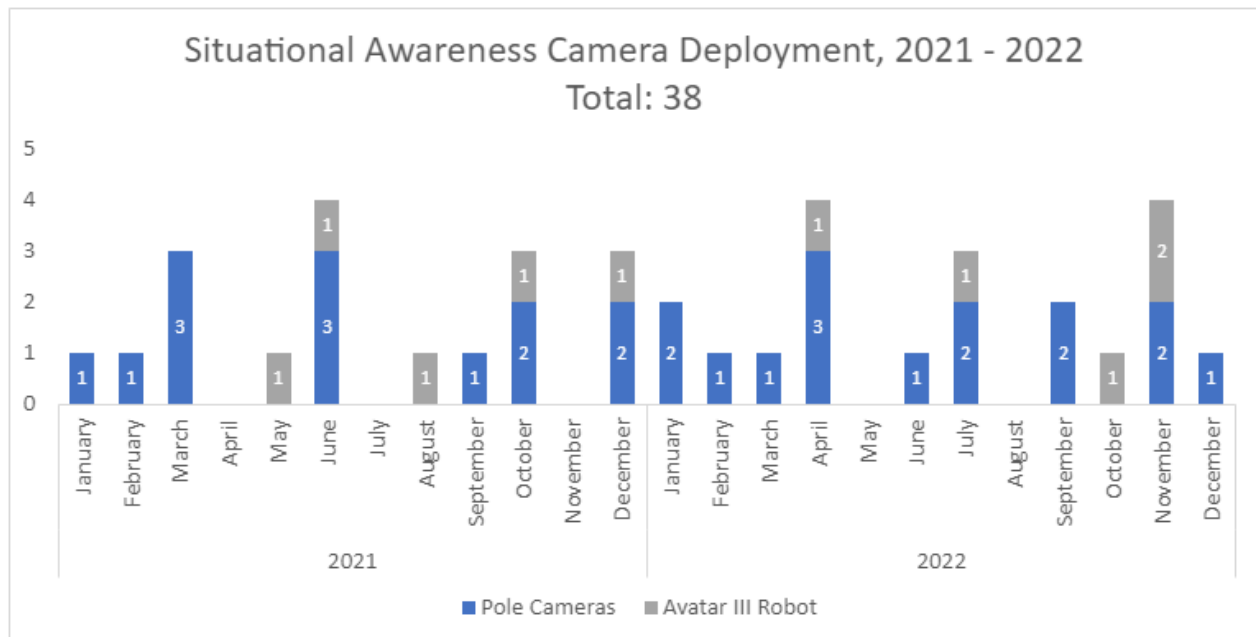
Cameras in SWAT Unit Inventory

Although the SIR lists four types of Situational Awareness Cameras, the SWAT Unit possesses and deploys only two of these – pole cameras and the Avatar III Robot, as described above. Both cameras’ capabilities and usage are analyzed below. SWAT indicates they previously had all four cameras outlined in the SIR but discontinued use and ownership of the Placeable and Throwable Cameras when their manufacturers ceased production.

- **Recommendation 1: SPD should amend the SIR regarding Situational Awareness Cameras Without Recording to reflect current inventory.**

Patterns of Use

Between January 1, 2021, and December 31, 2022, SWAT deployed Situational Awareness Cameras 38 times in response to 34 incidents. In some cases, SPD simultaneously deployed Pole Cameras and the Avatar III Robot during a single incident.



Purpose of Use

The SPD SWAT Unit temporarily deploys Situational Awareness Cameras during dangerous situations from a safe location to assess safety risks to the public and officers. As Section 4.9 of the SIR states,

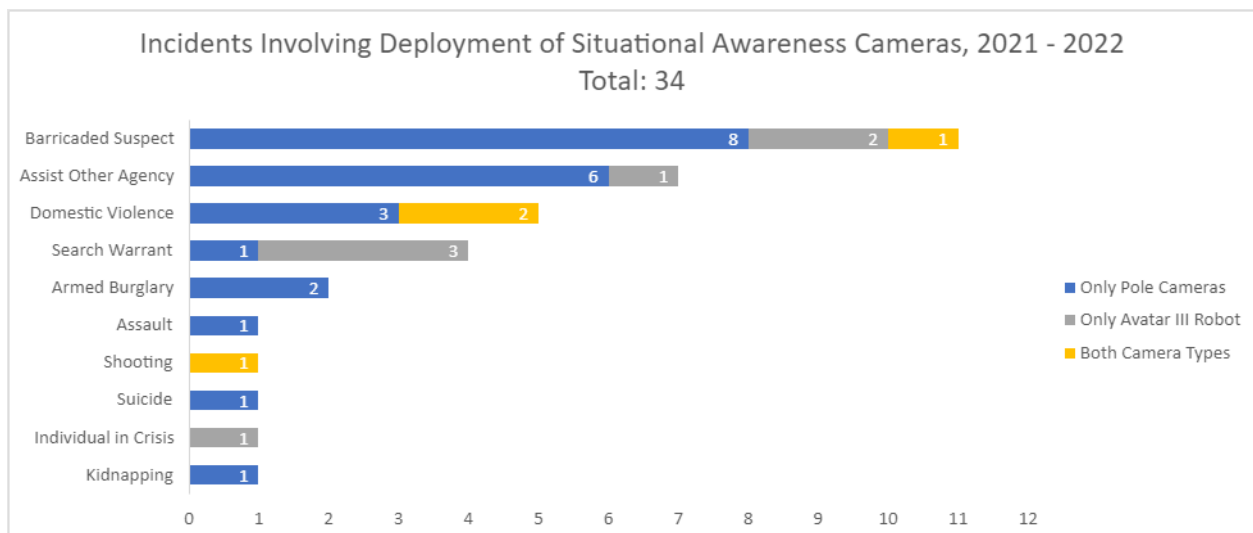
"The decision to use situational awareness cameras is made on a case-by-case basis. These devices allow officers to monitor a subject or watch situation from a position of safety and distance. Absent exigent circumstances, a signed warrant is obtained prior to the use of this technology in any protected area."

While there is no SPD policy specific to Situational Awareness Cameras, the discretion of SWAT personnel using the cameras is subject to several SPD policies that govern searches and collection of information. Among these are '6.180 – Searches-General', '6.185 – Search Warrants', and '6.060 – Collection of Information for Law Enforcement Purposes'. Because deployment of these cameras is subject to the discretion of SWAT personnel, the Seattle Community Surveillance Working Group requested additional policy language to define valid purposes of use for this technology during the SIR review process.

Because deployment of these cameras is discretionary, a review of the SWAT Unit's written log provides an account of how, why, and which incidents SWAT used these cameras. No deployments of either the pole cameras or the Avatar III Robot appeared

to be in violation of SPD policy or beyond the intended use of the cameras as described in the SIR.

According to the log, SPD deployed Situational Awareness Cameras most frequently when an incident involved an armed suspect barricaded inside a building or other structure. There were 11 such events recorded in the log between 2021 and 2022. Collaborations with other law enforcement agencies in neighboring cities constitute the second most common event type in which SWAT used Situational Awareness Cameras. SWAT also deployed Situational Awareness Cameras at 7 incidents in support of operations by other departments or law enforcement agencies. These instances included barricaded suspects, searches for suspects, and execution of search warrants in locations that were physically dangerous.



To illustrate some ways in which Situational Awareness Cameras were involved in incident responses, a randomly selected sample of incidents as categorized by SWAT are provided below.

Barricaded Suspect

An SPD Patrol Unit responded to a call of a man with a rifle. When they arrived, they were confronted by a man with a handgun. The man pointed the handgun at officers then retreated into his residence. SWAT used the Avatar III Robot to determine the suspect's position within the residence before making entry and taking the suspect into custody.

Assist Other Agency

Kent Police Department requested SPD SWAT Unit's assistance in making arrests of armed robbery suspects who were tracked to a house in Kent. SPD SWAT used pole cameras to determine the location and disposition of suspects within the house while calling for the suspects to surrender. The suspects surrendered peacefully.

Domestic Violence

Patrol responded to an apartment where a domestic violence assault and felony harassment incident involving a handgun had been reported. SWAT joined the response and deployed pole cameras and the Avatar III Robot to locate the suspect inside the apartment, who refused to surrender. SWAT made entry and took the suspect into custody.

Search Warrant

Detectives obtained a search warrant for the residence and two vehicles belonging to a homicide suspect. After no response from inside the residence, SWAT made entry. At one point in the search, it appeared someone was lying on the bed, so the Avatar III Robot was deployed to verify whether this was the case before officers entered the room. Using the robot, SWAT was able to see that the room was empty. No one was located at the residence.

Armed Burglary

Maintenance workers entered an apartment for service and were confronted by an unknown masked person who pointed a firearm at them. After a warrant was obtained, SWAT used pole cameras to search the apartment but did not locate the suspect.

Assault

Patrol requested SWAT assistance with searching for a felony assault suspect who fled from officers. Officers believed the armed suspect was hiding underneath a residence. SWAT used pole cameras to clear the crawlspace under the residence prior to entry. The suspect was not found.

Shooting

Patrol officers responded to reports of multiple gunshots fired in Lake City and learned the shooting occurred inside of a townhome. Witnesses reported that there was still a male suspect inside. SWAT served a search warrant and deployed both pole cameras and the Avatar III Robot but did not locate anyone. Multiple assault rifles were found inside.

Suicide

An individual in crisis went into his bedroom and the individual's wife heard a gunshot. SPD SWAT responded and used a pole camera to check the individual's status. The individual was found deceased.

Individual In Crisis

SPD attempted to arrest an individual who had assaulted a family member and an SPD officer on previous occasions. SWAT attempted to contact the suspect, but the suspect made reference to having a handgun, refused to come out, and hid. The SWAT team breached the garage door and three other doors, then sent the Avatar III Robot into the house to search for the suspect and verify whether he had a firearm.

Kidnapping

An SPD patrol unit discovered that a kidnapping victim had sent a text to a family member stating that her boyfriend had taken her at gunpoint into his residence and threatened to kill her and her sister if she attempted to leave. A pole camera was used to verify that the suspect and victim were inside the suspect's residence.

Recording Capability

Based on a review of specifications for the models of Situational Awareness Cameras that SWAT have in their inventory, it appears that the Avatar III Robot is capable of recording both audio and video, while the pole cameras are capable of recording video. However, the SIR does not identify that pole cameras have this recording functionality or that the Avatar III Robots are equipped with a microphone. Moreover, the title of the SIR itself, 'Situational Awareness Cameras Without Recording' implies that recording is not a potential function of the cameras. Notably, section 1.1 of the SIR does state:

"SPD does not record, store, or retain any of the images captured by these camera technologies."

However, this statement only describes current practice. The SWAT Unit reports that they do not use the recording capabilities for the devices and do not have the necessary SD cards or USB drives. They also report that the recording functionality itself has not been deactivated in any way. Identifying these recording capabilities follows Seattle Municipal Code 14.18.040 – Surveillance Impact Report Requirements:

"B. Each SIR will include clear and understandable statements of the following:

- 1. A description of the surveillance technology to be acquired and a description of the general capabilities, the type of data that the technology is reasonably likely to generate, and functionality, including reasonably foreseeable surveillance capabilities outside the scope of the City department's proposed use."*

- **Recommendation 2: SPD should update the SIR for Situational Awareness Cameras Without Recording to reflect the recording functionalities of these cameras or disable these recording features via technical controls.**

B. Data Sharing with External Partners and Other Entities

We found no evidence that SPD SWAT recorded any data through Situational Awareness Cameras in 2021 or 2022; therefore, no data are expected to have been shared with external entities or members of the public.

C. Data Management and Safeguarding of Individual Information

We found no evidence that SPD SWAT retained any data from Situational Awareness Cameras in 2021 or 2022.

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

Impact on Civil Liberties

As discussed in Section A of this report, use of this technology is limited by SPD policies that govern searches and collection of information, including '6.180 – Searches-General', '6.185 – Search Warrants', and '6.060 – Collection of Information for Law Enforcement Purposes'. Notably, Policy 6.180-POL-3 Exigent Circumstance Searches provides the following:

"Officers Will Not Conduct Warrantless Searches or Seizures Unless there is Both Subjective and Objectively Reasonable Basis to Believe that Exigent Circumstances Exist."

Several entries in the SWAT written log mention 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.

If SWAT had recorded individuals, there would be a greater risk of impact on civil liberties. However, this review found no indication that SWAT has used the cameras' recording capabilities.

Disproportionate Effects on Disadvantaged Populations

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.

E. Complaints, Concerns and Other Assessments

Office of Police Accountability (OPA) Complaints

There were no complaints submitted to OPA regarding the Situational Awareness Cameras surveillance technology in 2021 or 2022.

Customer Service Bureau Complaints

We found no relevant complaints submitted to the City of Seattle Customer Service Bureau in 2021 or in 2022.

Internal Audits or Assessments

According to SPD's Audit, Policy and Research section, no internal audits or assessments have been conducted on this technology.

F. Cost Auditing

Avatar III Robot

There were no annual support, licensing, or maintenance costs associated with this technology in 2021. The only maintenance cost paid by SPD was in 2022. This was in the amount of \$202.00 to replace a broken charger for the Avatar III Robot. No additional purchases or other costs were recorded.

Long Pole Search System 3 (LPSS3)

There were no annual support, licensing, or maintenance costs associated with this technology in 2021 or 2022.

Handheld Inspection Tool Flex (HHIT FLEX)

There were no annual support, licensing, or maintenance costs associated with this technology in 2021 or 2022.



Surveillance Technology Usage Review

Situational Awareness Cameras Without Recording (2021 and 2022)

Recommendations Response

1. SPD should amend the SIR regarding Situational Awareness Cameras Without Recording to reflect current inventory.

SPD Management Response

☒ Concur ☐ Do Not Concur

Estimated Date of Implementation: Q4 2023

Proposed Implementation Plan: SPD will update the Situational Awareness Cameras SIR to reflect our current inventory. We will work with the Privacy Office to determine whether this is a material or administrative change.

2. SPD should update the SIR regarding Situational Awareness Cameras Without Recording to reflect the recording functionalities of these cameras or disable these recording features via technical controls.

SPD Management Response

☒ Concur ☐ Do Not Concur

Estimated Date of Implementation: Q4 2023

Proposed Implementation Plan: SPD will update the Situational Awareness Cameras SIR to reflect our current inventory. We will work with the Privacy Office to determine whether this is a material or administrative change.

NON-AUDIT STATEMENT

This review was not conducted under Generally Accepted Government Auditing Standards. However, OIG has reviewed the work of Critical Insight to provide reasonable assurance that evidence used in this review was sufficient and appropriate.