

From: Seattle Community Surveillance Working Group (CSWG)  
To: Seattle City Council  
Date: April 23, 2019  
Re: Privacy and Civil Liberties Impact Assessment for Emergency Scene Cameras, Hazardous Materials Cameras, CCTVs

## **Executive Summary and Background**

On February 27<sup>th</sup>, CSWG received the Surveillance Impact Reports, or SIRs, for the above-mentioned technologies included in Group 1 of the Seattle Surveillance Ordinance technology review process. This document is CSWG's Privacy and Civil Liberties Impact Assessment for those technologies as set forth in SMC 14.18.080(B)(1), which we provide for inclusion in the final SIRs submitted to the City Councils.

Our assessment of these surveillance technologies focuses on three key issues:

- (1) The use of these systems and the data collected by them for purposes other than those intended;
- (2) Over-collection and over-retention of data;
- (3) Sharing of that data with third parties (such as federal law enforcement agencies).

While the stated purposes of the cameras may be relatively innocuous, it is important to remember that images taken by such cameras, for example at emergency scenes, can compromise the privacy of individuals at vulnerable moments, and can be misused to target and profile communities based on their religious, ethnic, or associational makeup. In addition, with the widespread and inexpensive availability of facial recognition (or face surveillance) technology, which can be applied after the fact to any image showing a face, it is even more important that protections limiting the use of these tools to their intended purpose be enacted.

For all of these systems, the Council should adopt, via ordinance, clear and enforceable rules that ensure, at a minimum, the following:

1. The purposes of camera use should be clearly defined, and its operation and data collected should be explicitly restricted to those purposes only.
2. Data retention should be limited to the time needed to effectuate the purpose defined.
3. Data sharing with third parties should be limited to those held to the same restrictions.
4. Clear policies should govern operation, and all operators of the cameras should be trained in those policies.

We recommend creating these rules in a single, blanket ordinance that will govern not only these, but other, similar camera technologies operated by or at the behest of the City, and would be happy to work with the City to create such an ordinance.

### **1. Emergency Scene Cameras (ESCs) (Seattle Fire Department)**

The initial (October 2018) Surveillance Impact Report (SIR) for this technology stated that no explicit internal policy exists at SFD that governs the use of ESCs (with one limited exception for mechanism-of-injury recordings). The updated January 2019 SIR added a letter (dated February 28, 2018) from Fire Chief Harold D. Scoggins in Appendix I, stating that SFD would update its policy with specified language regarding the use of Department-issued digital cameras. However, the CSWG was notified on April 5, 2019 that the specified policy language in the February 2018 letter was never actually adopted by SFD. (See Appendix 1 for that communication.) It is unclear why the February 2018 letter was added to

the January 2019 SIR if there was no intent to adopt any of the specified policy language. This also renders language currently in the updated SIR inaccurate.<sup>1</sup>

Existing general policies provided with the April 5 email leave a number of outstanding concerns. For Emergency Scene Cameras, the Council's approval of this technology should ensure use is limited to the specific emergency, investigative, or training purposes set forth, that the data is deleted immediately upon completion of those purposes, that data sharing with third parties is prohibited unless explicitly specified for those same uses, and only instances where the third party is held to the same use and retention standards. More specific recommendations for the Council's approval of this technology are below.

Specifically, the existing policy:

- Does not clearly define the term "Department-issued digital camera," making it unclear if the intended scope is to cover both ESCs and Hazmat Cameras.
  - *Recommendation: SFD should adopt a policy that explicitly states that it applies to both ESCs and Hazmat Cameras.*
- Does not include use rules for the cameras.
  - *Recommendation: SFD's adopted policy should include clear statements of what can and cannot be photographed depending on the situation, including specific protections for the privacy of individuals and homes.*
- Does not create clear guidelines on what data is retained, and how it is stored and for how long (with the exception of photos that include photos of victims requiring emergency medical services).
  - *Recommendation: SFD's adopted policy should include clear data retention policies, including where and how the data is stored, with all photos immediately deleted once their intended purpose is fulfilled. The policy should explicitly define under what specific*

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<sup>1</sup> The SIR states the following in Section 4.0:

"While the Department already has some policies in place, new and stricter policies regarding the use of digital cameras are currently being considered for adoption. These rules will clarify when, where and how digital cameras are to be used. The policy has been drafted and is currently waiting approval by Department leadership and relevant stakeholders for adoption during the next POG update anticipated in December 2018."

And further in Section 4.2:

"The Department is working to develop a policy for the all staff regarding the acceptable use of this technology during emergency responses, as well as the subsequent storage of photos and sharing with law enforcement agencies. However, there are strict policies regarding the use and deletion of photos if they include victims requiring emergency medical service (POG section 3004-7)."

*circumstances photos are permitted to be transferred off the cameras (e.g., via a SD card, USB cable, or WiFi).*

- Does not make clear whether any legal standard is being applied in use or retention.
  - *Recommendation: In instances where a legal standard such as reasonable suspicion is applied, it should be clear what the standard is, who applies it, and how that application is documented.*
- Does not restrict data sharing with third parties, including law enforcement agencies.
  - *Recommendation: The policy should explicitly ban sharing of camera data with third parties except for specified instances necessary to fulfill the purpose of the cameras, and only in instances where the third party is held to the same use and retention standards.*
- Does not ensure all operators of the cameras are trained in the foregoing policies.
  - *Recommendation: This requirement should be part of any new policy.*

## **2. Hazardous Materials (Hazmat) Cameras (SFD)**

The initial October 2018 SIR for Hazmat cameras indicated that no policy governing the use of this technology currently exists, with one limited exception for mechanism-of-injury recordings (see SIR Section 3.3). The updated January 2019 SIR included the same letter from Fire Chief Harold D. Scoggins, and again, the specified policy language was never actually adopted by SFD. This once again renders the language of the January 2019 SIR inaccurate.<sup>2</sup>

Given the lack of adequate existing policy, we recommend that SFD adopt a policy for Hazmat Cameras that includes all the elements set forth above for ESCs, and that the Council's approval of this technology incorporate that policy. The use policy would limit use of these cameras to hazardous materials documentation and enforcement.

In addition, Section 6.4 of the January 2019 Hazmat SIR states:

“The Department is working to develop a 2018 policy that addresses the use of this technology, photo retention, and sharing of records with law enforcement. With this policy the Department will develop Memorandum of Agreements with the Seattle branch of the FBI and Seattle Police Department.”

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<sup>2</sup> As with the ESC SIR, because the January 2019 Hazmat SIR states intent to update current policies, the language in the letter and the SIR is misleading. For example, Sections 4.2 and 4.8 of the Hazmat SIR both state:

“The Department is working to develop a policy for the Hazmat unit regarding the acceptable use of this technology during emergency responses, as well as the subsequent storage of photos and sharing with law enforcement agencies. However, there are strict policies regarding the use and deletion of photos if they include victims requiring emergency medical service (POG section 3004-7).”

It is unclear whether these MoAs have been developed and what they cover. But both the MoAs and SFD's policy should limit such data sharing to the purpose of criminal hazmat enforcement, and only where the third party is held to the same use and retention standards as SFD. The Council's approval of this technology should incorporate this requirement.

### **3. Closed Circuit Television "Traffic Cameras" (CCTVs)(SDOT)**

As with ESCs and Hazmat Cameras, concern around these traffic cameras relates to limiting their use to specific purposes, ensuring protections against invasion of privacy and general data collection, and limiting data sharing with third parties. It is important for these limits to be set forth in clear, enforceable policies. The updated January 2019 SIR states that SDOT "has developed" policies on use of the cameras, but it is not clear where all of these policies are set forth and whether they are currently in effect (see Section 3.3). We have reviewed the Camera Control Protocol document that sets forth existing policies.

For CCTVs, the Council's approval of this technology should ensure use is limited to traffic operations, that no data is collected except for clearly specified exceptions (and that data must be deleted immediately upon completion of those purposes), and that data sharing with third parties is prohibited. More specific recommendations for the Council's approval of this technology are below.

The existing policy:

- Does not set forth clear use, collection, and retention rules.
  - *Recommendation: SDOT's adopted policy should make clear that no data may be recorded or retained except for specifically defined purposes. Currently, the SDOT Camera Control Protocol states that recording is allowed for "compelling SDOT traffic operations and traffic planning needs"—but that term is undefined. The retention of data for "engineering studies" must also be clearly defined. No personally-identifiable information should ever be recorded. For any data recording that is allowed, it must be deleted within 10 days (which is stated in the SIR and protocol) and not shared with third parties. The policy should also make clear that traffic camera data (beyond what is made available to the general public) may not be used for law enforcement purposes, and that no associated surveillance technologies such as facial recognition or license plate readers may be incorporated into the cameras.*
- Does not ensure all operators of the cameras are trained in the foregoing policies.
  - *Recommendation: This requirement should be part of any new policy.*
- Does not state include technical controls.
  - *Recommendation: Technical controls ensure logging how cameras are moved from their preset locations, when camera streams to the public are stopped or restarted, and whether there are access controls determining who, when, where, and why users can access the camera management software. Without these technical controls, it would be difficult to detect if users are abusing their access to cameras (e.g., by cutting camera feeds to the public, moving a camera to zoom and view into the window of a home). These technical controls (logging when cameras are moved, stopped, or restarted; and mandating access controls for cameras) should be included in SDOT's adopted policy.*

## Appendix 1: April 5, 2019 Email from Megan Erb, Seattle IT (including attachments)

**From:** Erb, Megan <[Megan.Erb@seattle.gov](mailto:Megan.Erb@seattle.gov)>

**Sent:** Friday, April 05, 2019 3:45 PM

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**Subject:** Surveillance Advisory Working Group updates re: recent SIR questions and requests

Hello Working Group members,

We wanted to provide you with several updates regarding your recent SIR questions and requests for information:

1. The linked and/or embedded documents in the SDOT LPR and CCTV SIRs have been updated and are available on the Working Group SharePoint page and the publicly accessible Seattle.gov website
  - a. <http://www.seattle.gov/Documents/Departments/Tech/2018-12-10%20DRAFT%20SIR%20-%20CCTV%20Traffic%20Cameras%20-%20For%20Working%20Group%20Review.pdf>
  - b. <http://www.seattle.gov/Documents/Departments/Tech/2018-12-10%20DRAFT%20SIR%20-%20License%20Plate%20Readers%20-%20For%20Working%20Group%20Review.pdf>
2. Regarding policies from SFD on Emergency Scene Cameras and HazMat Cameras, please see the attached documentation related to their implemented policies in response to your questions posed. Additionally:
  - a. The Seattle Fire Department policies on image recording devices in general (Section 3004-6) and digital cameras specifically (5001-13) are attached. These policies are currently in our Policies and Operating Guidelines (POG) and are being enforced.
  - b. As for the 2/28/18 letter from Chief Scoggins, that was actually just a draft dispatch that I wrote on his behalf. The specifics of that dispatch were never actually adopted into the POG. We felt that the broad language contained in sections 3004-6 and 5001-13 already addressed the issue with regard to all image recording devices and that the additional specifics were not necessary.
3. Regarding policies from SDOT and their CCTV cameras, some are located in the Camera Control Protocol that was embedded in the SIR (that has been updated to be accessible).

Additionally, we would like to remind you that Seattle IT has created an externally accessible SharePoint Online page where you can access the Surveillance Impact Reports and related materials that are currently ready for your review.

**Please let me know which email address is used for your Microsoft account, so that we can set up appropriate site permissions relative to that email address.**

Thank you and have a great weekend,

Megan

Megan Erb

Communications Manager

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**TECHNOLOGY SOLUTIONS FOR THE CITY AND PUBLIC WE SERVE**

For one year after leaving City employment, a former member of the Seattle Fire Department may not communicate, on behalf of any person on a matter involving the City, with an employee of the agency of the City with which he or she was previously employed (see SMC 4.16.075.C).

Examples of violations of this instruction include:

- Communicating on behalf of any person or entity with the Fire Department about a Code compliance matter.
- Communicating on behalf of any person or entity in an attempt to sell goods or services to the Fire Department.

The prohibitions of the preceding two instructions do not apply to former employees acting as employees or agents of a governmental agency unless that governmental agency's interest in the matter is adverse to the interest of the City (see SMC 4.16.075.F).

For one year after leaving City employment, a former member of the Seattle Fire Department may not participate as a competitor in any competitive selection process for a City contract in which he or she assisted the City in determining the project or work to be done or the process to be used in selecting a contractor (see SMC 4.16.075.D).

## OFF-DUTY EMPLOYMENT

Officers and employees of the Seattle Fire Department may engage in off-duty employment so long as it does not interfere with their ability to carry out their duties for the City, and provided it does not result in a conflict of interest or otherwise violate these instructions.

Officers and employees of the Seattle Fire Department are specifically prohibited from conducting or engaging in the following types of off-duty employment:

- Selling and/or installing fire protection equipment or systems within the City of Seattle.
- Process serving, repossessing, bill collecting, or other employment in which your position with the City might tend to be used to collect money, merchandise, etc., for a private purpose of a civil nature.
- Employment that might require you to have access to Fire Department files, records, or services as a condition of the off-duty employment.

## IMAGE RECORDING DEVICES

### PERSONAL IMAGE RECORDING DEVICES

The use of personal devices to take still or digital photographs, or video or audio recordings, by Operations personnel at emergency scenes for personal use or Department training purposes is not authorized.

	Members responding to an incident may not use helmet mounted cameras, video cameras, personal cell phones, cameras, or any other recording device while on an emergency response.
<b>DEPARTMENT AUTHORIZED DIGI- TAL CAMERAS</b>	In accordance with OC 5001.2 <i>Aid and Medic Responses, Digital Cameras</i> , on-duty firefighter/paramedics may use digital cameras provided by the Department to record the mechanism of injury to trauma patients. After showing the photographs to appropriate hospital emergency department staff the photos will be deleted.

## EQUIPMENT

All Aid and Medic Units should be inventoried at the beginning of every shift. If units leave equipment with a patient transported by a Medic Unit, the Medic Unit will be contacted promptly to ensure the equipment is returned or replaced as soon as possible. However, Aid Unit personnel should be aware that the Medic One Office does not replace items left on a Medic Unit. Equipment that is not immediately returned should be noted in the Watch Desk Journal and the Form 9. The notation should include the items missing, the incident number, and the Medic Unit involved.

Each Company, Aid, and Medic Unit has been issued backboards assigned as part of their inventory. Replacement boards will come from the on-scene Aid or Medic Unit, if possible. If none are available, replacement boards can be obtained from hospital emergency rooms, or requisitioned from Medic One.

### DOUBLE-WIDE BACKBOARDS

A double-wide backboard is located in each fire station housing a ladder company. The backboards are 32" X 72" and resemble the wood backboards currently in service throughout the Department. Company Captains are responsible for the proper storage of the backboard within their respective stations. When the need for a double-wide backboard arises, on-scene personnel must prompt FAC to dispatch an Operations company with one of the backboards. Each board has an approximate weight limit of 700 pounds. The eleven backboards comprise the Department's current inventory, and arrangements must be made to recover them, as soon as possible, after each use.

### DEPARTMENT AUTHORIZED DIGITAL CAMERAS

All Medic Units and Medic 44 carry a digital camera in the controlled drug safe. These cameras may be utilized by Department personnel to record the mechanism of injury for trauma patients.

These photographs will only be shown to appropriate hospital emergency department staff to clearly explain the severity of injury and then will be promptly deleted from the camera's internal memory.

The utilization of the digital camera will not infringe on the quality of patient care provided on an emergency response.

#### OTHER IMAGE RECORDING DEVICES

In accordance with OC 3004.7 *Image Recording Devices* section, members responding to an incident may not use helmet mounted cameras, video cameras, personal cell phones, personal cameras, or any other recording device while on an emergency response.



The use of personal devices to take still or digital photographs, video or audio recordings by Operations personnel at emergency scenes for personal use or Department training purposes is not authorized.

## LP 500 DOWNLOAD INSTRUCTIONS

Instructions for downloading patient summaries from the LifePac 500 are posted near the station computer. The instruction sheet is entitled "Instructions for Downloading LP500 Resuscitations". In the event that the sheet is lost, the information is also available on the "O" drive at O:/Dept/LP500.

Additional assistance can be obtained by contacting the EMS Coordinator or the on-duty MSO.