2022 Surveillance Impact Report

Remotely Operated Vehicles (ROVs)

Seattle Police Department

Surveillance Impact Report ("SIR") overview

About the Surveillance Ordinance

The Seattle City Council passed Ordinance 125376, also referred to as the "Surveillance Ordinance," on September 1, 2017. SMC 14.18.020.b.1 charges the City's executive with developing a process to identify surveillance technologies subject to the ordinance. Seattle IT, on behalf of the executive, developed and implemented a process through which a privacy and surveillance review is completed prior to the acquisition of new technologies. This requirement, and the criteria used in the review process, are documented in Seattle IT Policy PR-02, the "Surveillance Policy".
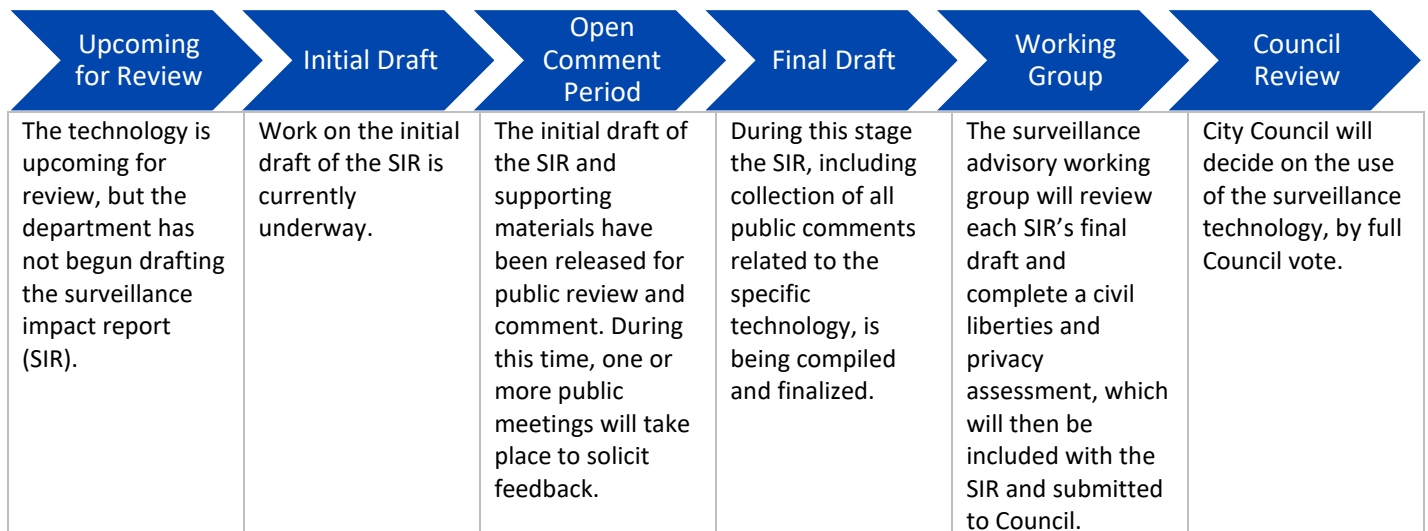
How this Document is Completed

This document is completed by the requesting department staff, support and coordinated by the Seattle Information Technology Department ("Seattle IT"). As Seattle IT and department staff complete the document, they should keep the following in mind.

1. Responses to questions should be in the text or check boxes only; all other information (questions, descriptions, etc.) Should **not** be edited by the department staff completing this document.

2. All content in this report will be available externally to the public. With this in mind, avoid using acronyms, slang, or other terms which may not be well-known to external audiences. Additionally, responses should be written using principally non-technical language to ensure they are accessible to audiences unfamiliar with the topic.

Surveillance Ordinance Review Process

The following is a high-level outline of the complete SIR review process.

Upcoming for Review	Initial Draft	Open Comment Period	Final Draft	Working Group	Council Review
The technology is upcoming for review, but the department has not begun drafting the surveillance impact report (SIR).	Work on the initial draft of the SIR is currently underway.	The initial draft of the SIR and supporting materials have been released for public review and comment. During this time, one or more public meetings will take place to solicit feedback.	During this stage the SIR, including collection of all public comments related to the specific technology, is being compiled and finalized.	The surveillance advisory working group will review each SIR's final draft and complete a civil liberties and privacy assessment, which will then be included with the SIR and submitted to Council.	City Council will decide on the use of the surveillance technology, by full Council vote.

Privacy Impact Assessment

Purpose

A Privacy Impact Assessment ("PIA") is a method for collecting and documenting detailed information collected in order to conduct an in-depth privacy review of a program or project. A PIA asks questions about the collection, use, sharing, security and access controls for data that is gathered using a technology or program. It also requests information about policies, training and documentation that govern use of the technology. The PIA responses are used to determine privacy risks associated with a project and mitigations that may reduce some or all of those risks. In the interests of transparency about data collection and management, the City of Seattle has committed to publishing all PIAs on an outward facing website for public access.

When is a Privacy Impact Assessment Required?

A PIA may be required in two circumstances.
1. When a project, technology, or other review has been flagged as having a high privacy risk.
2. When a technology is required to complete the surveillance impact report process. This is one deliverable that comprises the report.

1.0 Abstract

1.1 Please provide a brief description (one paragraph) of the purpose and proposed use of the project/technology.

Remotely Operated Vehicles (ROVs) are unarmed remote controlled vehicles utilized by SPD SWAT, Arson/Bomb, and Harbor units to access areas that are potentially dangerous for personnel to physically enter. The ROVs operated by the SWAT and Arson/Bomb units are wheeled vehicles while the ROV operated by the Harbor unit are designed as submersible underwater vehicles. All SPD ROVs are controlled by SPD employees operating handheld controllers from a safe position nearby. Some ROVs operated by SPD have a remotely controlled arm capable of performing simple tasks safely from a remote location.

1.2 Explain the reason the project/technology is being created or updated and why the PIA is required.

This technology is used to surveil subjects and perform manual tasks from a safe position. If used out of policy or improperly this technology could potentially be used to inappropriately infringe on public privacy.

2.0 Project / Technology Overview

Provide an overview of the project or technology. The overview gives the context and background necessary to understand the purpose, mission and justification for the project / technology proposed

2.1 Describe the benefits of the project/technology.

The use of ROVs allows tactical units to assess potentially dangerous situations from a safe position. By entering an environment with the additional information obtained using remote cameras, or having rendered-safe a suspicious package, both SPD personnel and the subjects of the surveillance are safer.

The Harbor unit utilizes the ROVs to perform necessary underwater search and recovery functions that would not be possible with manned diving alone.

2.2 Provide any data or research demonstrating anticipated benefits.

The National Institute of Justice asserts that situational awareness in a potentially threatening situation is an essential key variable in determining when the use of force is necessary[1]. The term "situational awareness" was coined in the 1980s by fighter pilots to refer to the "awareness of conditions and threats in the immediate surroundings.[2]" Also referred to as "tactical awareness," safety for both the officer and the subject is increased when the responding officers have visual information about the event environment. Since the 1970s bomb disposal experts throughout the world have utilized remotely operated vehicles to examine and render explosive devices safe in an effort to limit the danger to themselves and others[3].

Using underwater ROVs in search and recovery missions allows divers to stay safe and out of treacherous situations. In addition, the ROV can provide assistance to divers so they can complete their missions in a timely manner and reduce the time underwater[4].

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[1] https://www.nij.gov/topics/law-enforcement/officer-safety/use-of-force/pages/welcome.aspx
[2] R. Morishige, "Air combat and artificial intelligence", *Air Force Magazine*, pp. 91-93, 1985
[3] https://www.bbc.com/future/article/20160714-what-does-a-bomb-disposal-robot-actually-do
[4] Beens, Karst, "How ROVs optimist search and rescue budgeting", *H2O Drones*. 2020.

2.3 Describe the technology involved.

Three SPD units, SWAT, Arson/Bomb, and Harbor, utilize ROVs. All of these ROVs are controlled by a handheld remote-control unit which displays the images captured by the ROV mounted cameras. The Harbor ROVs also incorporate underwater sonar imaging technology.

The SWAT unit has 7 ROV's, two (2) manufactured by Robotex, four (4) manufactured by Recon Robotics, and one (1) manufactured by Tactical Electronics. The two Robotex ROVs weigh less than 50lbs and have an onboard non-recording situational awareness camera. One of the Robotex ROVs can be equipped with remotely operated articulated gripping arm capable of performing simple tasks such as lifting light objects or opening doors. The last SWAT ROV is manufactured by Tactical Electronics and is described as a "box on wheels." This ROV has no surveillance camera and is used for delivering small items between personnel without exposing them to dangerous conditions or situation.

The Arson/Bomb unit operates 5 ROVs from different manufacturers: TeleRob, Andros, ICOR, Talon, and PointMan. Each of these ROVs has a camera which transmits back to the handheld control unit. SPD does not own or utilize the available connectivity or storage devices available as add-ons for these ROVs. The Arson/Bomb ROVs have manipulator arms to remotely perform render-safe or disrupt potentially hazardous devices.

The SPD Harbor unit has 2 submersible ROV units, though one is antiquated, unused, and in storage. This older unit was manufactured by Deep Ocean Engineering and has onboard video and sonar recording capability. The active ROV utilized by the Harbor unit is manufactured by Seabotix. This unit has onboard video and sonar recording capability as well as 2 interchangeable remotely controlled articulated arms. The arms can be outfitted with either a cutting tool or a grasping claw. The video recording camera is capable of seeing approximately 10 feet in front of the ROV, depending on the clarity of the water and the depth. The sonar image can be adjusted to view up to 120 feet though the clarity of the image at that distance requires a skilled and trained individual to recognize patterns in the images.

2.4 Describe how the project or use of technology relates to the department's mission.

The mission of the Seattle Police Department is to prevent crime, enforce the law, and support quality public safety by delivering respectful, professional, and dependable police services. SPD utilizes this technology to disarm potentially hazardous devices, assess potentially dangerous situations, obtain real-time information about the situational environment, and perform underwater search and recovery operations. By doing so, SPD personnel and the subjects involved in those situations are safer.

2.5 Who will be involved with the deployment and use of the project / technology?

Only members of for the SPD SWAT, Arson/Bomb, and Harbor units are authorized to use this equipment.

3.0 Use Governance

Provide an outline of any rules that will govern the use of the project / technology. Please note: non-City entities contracting with the City are bound by restrictions specified in the surveillance ordinance and privacy principles and must provide written procedures for how the entity will comply with any restrictions identified.

3.1 Describe the processes that are required prior to each use, or access to the technology, such as a notification, or check-in, check-out of equipment.

Authorized members of for the SPD SWAT, Arson/Bomb, and Harbor units are given training in the appropriate use and application of these ROVs.

3.2 List the legal standards or conditions, if any, that must be met before the project / technology is used.

There is no legal standard or condition for the use of these cameras in non-protected public areas, such as a hotel hallway or public waterway. However, if the use of the camera is to occur inside a protected area, such as in a person's home or property, absent exigent circumstances, or consent, a signed warrant is obtained from a judge.

3.3 Describe the policies and training required of all personnel operating the project / technology, and who has access to ensure compliance with use and management policies.

Authorized members of for the SPD SWAT, Arson/Bomb, and Harbor units are given training in the appropriate use and application of these ROVs. Unit commanders are responsible to ensure usage of the technology falls within appropriate usage.

4.0 Data Collection and Use

4.1 Provide details about what information is being collected from sources other than an individual, including other IT systems, systems of record, commercial data aggregators, publicly available data and/or other City departments.

No information is being collected from sources other than an individual, including other IT systems, systems of record, commercial data aggregators, publicly available data and/or other City departments.

4.2 What measures are in place to minimize inadvertent or improper collection of data?

No images or data are stored or retained by ROVs used by SWAT or Arson/Bomb units. The Harbor unit ROVs store video and sonar imagery captured during each deployment of the unit. Only images directly related to the specific search and recovery are manually exported from the ROV's onboard hard drive if requested by SPD detectives for follow up investigation. If such a request would be made, Harbor unit personnel would save the extracted images in the DEMS Evidence system.

4.3 How and when will the project / technology be deployed or used? By whom? Who will determine when the project / technology is deployed and used?

SPD Swat, Arson/Bomb, and Harbor units utilize this technology to disarm potentially hazardous devices, assess potentially dangerous situations, perform underwater search and recovery, and obtain real-time information about the situational environment. By doing so, SPD personnel and the subjects involved in those situations are safer.

4.4 How often will the technology be in operation?

The different types of cameras are used with varying frequency depending on the circumstances, though these three units utilize the ROVs on a regular basis.

4.5 What is the permanence of the installation? Is it installed permanently, or temporarily?

These ROVs are portable and do not remain in fixed locations.

4.6 Is a physical object collecting data or images visible to the public? What are the markings to indicate that it is in use? What signage is used to determine department ownership and contact information?

No images or data are stored or retained by ROVs used by SWAT or Arson/Bomb units. The Harbor unit ROVs are utilized during search and recovery operations and are not covert.

4.7 How will data that is collected be accessed and by whom?

No images or data are stored or retained by ROVs used by SWAT or Arson/Bomb units. The Harbor unit ROVs store video and sonar imagery captured during each deployment of the unit. *Only images directly related to the specific search and recovery are manually exported from the ROV's onboard hard drive if requested by SPD detectives for follow up investigation. If such a request would be made, Harbor unit personnel would save the extracted images in the DEMS Evidence system.*

When the Harbor ROV is utilized in the recovery of a body, information such as water temperature, GPS location, and water depth are recorded.

4.8 If operated or used by another entity on behalf of the City, provide details about access, and applicable protocols.

This technology is used only by the SWAT, Arson/Bomb, and Harbor units.

4.9 What are acceptable reasons for access to the equipment and/or data collected?

They are used to assess potentially dangerous situations from a safe distance. The Harbor unit utilizes the ROV to perform underwater search and recovery operations. The video and sonar information recorded by the underwater ROV is stored in an onboard hard drive. If requested by an SPD detective for follow up investigation, specific images are exported for upload into the DEMS evidence system.

4.10 What safeguards are in place, for protecting data from unauthorized access (encryption, access control mechanisms, etc.) And to provide an audit trail (viewer logging, modification logging, etc.)?

This equipment is securely stored and accessible only to the specified units for use in their operations.

5.0 Data Storage, Retention and Deletion

5.1 How will data be securely stored?

No images or data are stored or retained by ROVs used by SWAT or Arson/Bomb units. The Harbor unit ROVs store video and sonar imagery captured during each deployment of the unit. Only images directly related to the specific search and recovery are manually exported from the ROV's onboard hard drive if requested by SPD detectives for follow up investigation. If such a request would be made, Harbor unit personnel would save the extracted images in the DEMS Evidence system. The ROV's files are in a proprietary format, accessible only through the proprietary software loaded on a non-networked computer used only with the ROV. The information is stored only on the hard drive physically inside the ROV. This hard drive is deleted periodically when the software informs the users that it is nearing capacity.

5.2 How will the owner allow for departmental and other entities, to audit for compliance with legal deletion requirements?

Audit, Policy & Research Section personnel can also conduct audits of all data collection software and systems. Additionally, any appropriate auditor, including the Office of Inspector General and the federal monitor can audit for compliance at any time.

5.3 What measures will be used to destroy improperly collected data?

SPD Policy 7.010 governs the submission of evidence and requires that all collected evidence be documented in a General Offense Report. Evidence is submitted to the Evidence Unit and associated with a specific GO Number and investigation.

All information must be gathered and recorded in a manner that is consistent with SPD Policy 6.060, such that it does not reasonably infringe upon "individual rights, liberties, and freedoms secured by the Constitution of the United States and of the State of Washington, including, among others, the freedom of speech, press, association and assembly; liberty of conscience; the exercise of religion; and the right to petition government for redress of grievances; or violate an individual's right to privacy."

All SPD employees must adhere to laws, City policy, and Department Policy (SPD Policy 5.001), and any employees suspected of being in violation of laws or policy or other misconduct are subject to discipline, as outlined in SPD Policy 5.002.

5.4 Which specific departmental unit or individual is responsible for ensuring compliance with data retention requirements?

Unit supervisors are responsible for ensuring compliance with data retention requirements within SPD.
SPD's Intelligence and Analysis Section reviews the audit logs and ensures compliance with all regulations and requirements.
Audit, Policy & Research Section personnel can also conduct audits of all data collection software and systems. Additionally, any appropriate auditor, including the Office of Inspector General and the federal monitor can audit for compliance at any time. Supervisors are responsible for ensuring compliance with data retention requirements within SPD.

SPD's Intelligence and Analysis Section reviews the audit logs and ensures compliance with all regulations and requirements.

Audit, Policy & Research Section personnel can also conduct audits of all data collection software and systems. Additionally, any appropriate auditor, including the Office of Inspector General and the federal monitor can audit for compliance at any time.

6.0 Data Sharing and Accuracy

6.1 Which entity or entities inside and external to the City will be data sharing partners?

Only images directly related to the specific search and recovery are manually exported from the ROV's onboard hard drive if requested by SPD detectives for follow up investigation. If such a request would be made, Harbor unit personnel would save the extracted images in the DEMS Evidence system. When the Harbor ROV is utilized in the recovery of a body, information such as water temperature, GPS location, and water depth are recorded and shared with the Medical Examiner's Office.

No person, outside of SPD, has direct access to the ROVs or the data while it resides in the device.

Data obtained from the system may be shared outside SPD with the other agencies, entities, or individuals within legal guidelines or as required by law.

Data may be shared with outside entities in connection with criminal prosecutions:

- Seattle City Attorney's Office
- King County Prosecuting Attorney's Office
- King County Department of Public Defense
- Private Defense Attorneys
- Seattle Municipal Court
- King County Superior Court
- Similar entities where prosecution is in Federal or other State jurisdictions

Data may be made available to requesters pursuant to the Washington Public Records Act, Chapter 42.56 RCW ("PRA"). SPD will apply applicable exemptions to the data before disclosing to a requester. Individuals have the right to inspect criminal history record information maintained by the department (RCW 10.97.030, SPD Policy 12.050). Individuals can access their own information by submitting a public disclosure request.

Per SPD Policy 12.080, the Crime Records Unit is responsible for receiving, recording, and responding to requests "for General Offense Reports from other City departments and from other law enforcement agencies, as well as from insurance companies."

Discrete pieces of data collected by ROVs may be shared with other law enforcement agencies in wanted bulletins, and in connection with law enforcement investigations jointly conducted with those agencies, or in response to requests from law enforcement agencies investigating criminal activity as governed by SPD Policy 12.050 and 12.110. All requests for data from Federal Immigration and Customs Enforcement (ICE) authorities are referred to the Mayor's Office Legal Counsel in accordance with the Mayoral Directive, dated February 6, 2018.

SPD shares data with authorized researchers pursuant to properly execute research and confidentiality agreements as provide by SPD Policy 12.055. This sharing may include discrete pieces of data related to specific investigative files collected by the devices.

6.2 Why is data sharing necessary?

Data sharing is necessary for SPD to fulfill its mission of contributing to crime reduction by assisting in collecting evidence related to serious and/or violent criminal activity as part of investigation, and to comply with legal requirements.

6.3 Are there any restrictions on non-City data use?

Yes ⊠ No ☐

6.3.1 If you answered yes, provide a copy of the department's procedures and policies for ensuring compliance with these restrictions.

Law enforcement agencies receiving criminal history information are subject to the requirements of 28 CFR Part 20, regulating criminal justice information systems In addition, Washington State law enforcement agencies are subject to the provisions of WAC 446-20-260 (auditing and dissemination of criminal history record information systems), and RCW Chapter 10.97 (Washington State Criminal Records Privacy Act).

Once disclosed in response to PRA request, there are no restrictions on non-City data use; however, applicable exemptions will be applied prior to disclosure to any requestor who is not authorized to receive exempt content.

6.4 How does the project/technology review and approve information sharing agreements, memorandums of understanding, new uses of the information, new access to the system by organizations within City of Seattle and outside agencies?

Research agreements must meet the standards reflected in SPD Policy 12.055. Law enforcement agencies receiving criminal history information are subject to the requirements of 28 CFR Part 20. In addition, Washington State law enforcement agencies are subject to the provisions of WAC 446-20-260, and RCW Chapter 10.97.

6.5 Explain how the project/technology checks the accuracy of the information collected. If accuracy is not checked, please explain why.

No images or data are stored or retained by ROVs used by SWAT or Arson/Bomb units. The Harbor ROVs do not check for accuracy, as they are simply capturing a live video and sonar imagery. They are not interpreting or otherwise, analyzing any data they collect.

6.6 Describe any procedures that allow individuals to access their information and correct inaccurate or erroneous information.

N/A

7.0 Legal Obligations, Risks and Compliance

7.1 What specific legal authorities and/or agreements permit and define the collection of information by the project/technology?

When ROVs will be utilized in protected areas, such as inside a home, the SPD unit obtains a signed warrant.

7.2 Describe what privacy training is provided to users either generally or specifically relevant to the project/technology.

The SWAT, Arson/Bomb, and Harbor unit personnel are trained on the proper use of the ROVs utilized by their unit.

7.3 Given the specific data elements collected, describe the privacy risks identified and for each risk, explain how it was mitigated. Specific risks may be inherent in the sources or methods of collection, or the quality or quantity of information included.

Because the units require a signed warrant before utilizing this technology in protected areas, they have mitigated the risk of improper viewing of the protected areas.

7.4 Is there any aspect of the project/technology that might cause concern by giving the appearance to the public of privacy intrusion or misuse of personal information?

The nature of this type of technology does cause concern by giving the appearance to the public of privacy intrusion or misuse. It may appear to the public that this technology will be used to surveil public spaces, particularly near places of worship or during public gatherings. While the cameras mounted on ROVs have the capability to surveil the public in this manner, they are not utilized by SPD in this manner. No information, images, or audio are recorded by any of the SWAT or Arson/Bomb ROVs. Additionally, there is concern by members of the public that police ROVs and "robots" operate autonomously or use machine learning or other algorithmic processes which may unfairly police underprivileged or underrepresented communities. The ROVs which are utilized by SPD are not autonomous and do not use machine learning or other algorithmic processes. They are all operated by SPD personnel from safe positions in the locations where the ROVs are deployed.

8.0 Monitoring and Enforcement

8.1 Describe how the project/technology maintains a record of any disclosures outside of the department.

No images or data are stored or retained by any ROV used by SWAT or Arson/Bomb. When ROVs will be utilized in protected areas, such as inside a home, the SPD unit obtains a signed warrant. Per SPD Policy 12.080, the Crime Records Unit is responsible to receive and record all requests "for General Offense Reports from other City departments and from other law enforcement agencies, as well as from insurance companies."

Any requests for public disclosure are logged by SPD's Public Disclosure Unit. Any action taken, and data released subsequently, is then tracked through the request log. Responses to Public Disclosure Requests, including responsive records provided to a requestor, are retained by SPD for two years after the request is completed.

8.2 What auditing measures are in place to safeguard the information, and policies that pertain to them, as well as who has access to the audit data? Explain whether the project/technology conducts self-audits, third party audits or reviews.

No images or data are stored or retained by any ROV used by SWAT or Arson/Bomb units. When ROVs will be utilized in protected areas, such as inside a home, the SPD unit obtains a signed warrant. Information on the use of warranted technologies is available to the Office of the Inspector General, and the federal monitor at any time.

Financial Information

Purpose

This section provides a description of the fiscal impact of the surveillance technology, as required by the surveillance ordinance.

1.0 Fiscal Impact

Provide a description of the fiscal impact of the project/technology by answering the questions below.

1.1 Current or potential sources of funding: initial acquisition costs.

Current ☒ potential ☐

Date of initial acquisition	Date of go live	Direct initial acquisition cost	Professional services for acquisition	Other acquisition costs	Initial acquisition funding source
03/2021	-	$65,622	-	-	SPD Budget
12/2020	-	$340,652	-	-	Grant funds $261,429, Foundation Match $115,854
02/2016	-	$34,839	-	-	SPD Budget
04/2013	-	$67,504	-	-	FFY11 SHSP grant
04/2013	-	$129,383	-	-	FFY11 SHSP grant
12/2012	-	$13,950	-	-	FFY10 SHSP grant

Notes:

Some ROV equipment was purchased prior to current records

1.2 Current or potential sources of funding: on-going operating costs, including maintenance, licensing, personnel, legal/compliance use auditing, data retention and security costs.

Current ☒ potential ☐

Annual maintenance and licensing	Legal/compliance, audit, data retention and other security costs	Department overhead	IT overhead	Annual funding source
$1200	-	-	-	SPD Budget

Notes:

Annual costs include licenses for workstation software and maintenance such as replacement batteries.

1.3 Cost savings potential through use of the technology

N/A

1.4 Current or potential sources of funding including subsidies or free products offered by vendors or governmental entities

N/A

Expertise and References

Purpose

The following information is provided to ensure that Council has a group of experts to reference while reviewing the completed surveillance impact report ("SIR"). Any individuals or agencies referenced must be made aware ahead of publication that their information has been included. All materials must be available for Council to access or review, without requiring additional purchase or contract.

1.0 Other Government References

Please list any other government bodies that have implemented this technology and can speak to the implementation of this technology.

Agency, municipality, etc.	Primary contact	Description of current use
-	-	-

2.0 Academics, Consultants, and Other Experts

Please list any experts in the technology under consideration, or in the technical completion of the service or function the technology is responsible for.

Agency, municipality, etc.	Primary contact	Description of current use
-	-	-

3.0 White Papers or Other Documents

Please list any authoritative publication, report or guide that is relevant to the use of this technology or this type of technology.

Title	Publication	Link
What does a bomb disposal robot actually do?	BBC.com	https://www.bbc.com/future/article/20160714-what-does-a-bomb-disposal-robot-actually-do
"Video for SWAT Operations"	Law and Order, The Magazine for Police Management	http://www.hendonpub.com/resources/article_archive/results/details?id=3589

Racial Equity Toolkit ("RET") and engagement for public comment worksheet

Purpose

Departments submitting a SIR are required to complete an adapted version of the Racial Equity Toolkit ("RET") in order to:

- Provide a framework for the mindful completion of the SIR 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.
- Highlight and mitigate any impacts on racial equity from the adoption and the use of the technology.
- Highlight and mitigate any disparate impacts on individuals or vulnerable communities.
- Fulfill the public engagement requirements of the surveillance impact report.

Adaptation of the RET for Surveillance Impact Reports

The RET was adapted for the specific use by the Seattle Information Technology Departments' ("Seattle IT") Privacy Team, the Office of Civil Rights ("OCR"), and Change Team members from Seattle IT, Seattle City Light, Seattle Fire Department, Seattle Police Department, and Seattle Department of Transportation.

Racial Equity Toolkit Overview

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 RET lays out a process and a set of questions to guide the development, implementation and evaluation of policies, initiatives, programs, and budget issues to address the impacts on racial equity.

1.0 Set Outcomes

1.1. Seattle City Council has defined the following inclusion criteria in the surveillance ordinance, and they serve as important touchstones for the risks departments are being asked to resolve and/or mitigate. Which of the following inclusion criteria apply to this technology?

☐ The technology disparately impacts disadvantaged groups.

☐ There is a high likelihood that personally identifiable information will be shared with non-City entities that will use the data for a purpose other than providing the City with a contractually agreed-upon service.

☐ The technology collects data that is personally identifiable even if obscured, de-identified, or anonymized after collection.

☒ The technology raises reasonable concerns about impacts to civil liberty, freedom of speech or association, racial equity, or social justice.

1.2 What are the potential impacts on civil liberties through the implementation of this technology? How is the department mitigating these risks?

The potential that innocent members of the community would fall under surveillance by covert use of ROVs by the SPD is mitigated in two ways. First, the usage of this equipment is situational, and the ROVs are used during events in which the SWAT, Arson/Bomb, and Harbor units responds to calls for police service. Where the ROVs are utilized in non-public areas a signed warrant is obtained prior to their use. Second, no images, data, or audio is recorded by the SWAT or Arson/Bomb ROVs. The images captured by the underwater Harbor ROVs are not likely to impact civil liberties.

1.3 What are the risks for racial or ethnicity-based bias through each use or deployment of this technology? How is the department mitigating these risks?

Include a description of any issues that may arise such as algorithmic bias or the possibility for ethnic bias to emerge in people and/or system decision-making.

The mission of the Seattle Police Department is to prevent crime, enforce the law, and support quality public safety by delivering respectful, professional and dependable police services. SPD Policy 5.140 forbids bias-based policing and outlines processes for reporting and documenting any suspected bias-based behavior, as well as accountability measures. The use of this technology does not enhance the risks of racial or ethnicity-based bias.

1.4 Where in the City is the technology used or deployed?

☒ all Seattle neighborhoods

☐ Ballard   ☐ Northwest
☐ Belltown   ☐ Madison Park / Madison Valley
☐ Beacon Hill   ☐ Magnolia
☐ Capitol Hill   ☐ Rainier Beach
☐ Central District   ☐ Ravenna / Laurelhurst
☐ Columbia City   ☐ South Lake Union / Eastlake
☐ Delridge   ☐ Southeast
☐ First Hill   ☐ Southwest
☐ Georgetown   ☐ South Park
☐ Greenwood / Phinney ☐ Wallingford / Fremont
☐ International District   ☐ West Seattle
☐ Interbay   ☐ King county (outside Seattle)
☐ North   ☐ Outside King County.
☐ Northeast

If possible, please include any maps or visualizations of historical deployments / use.

If possible, please include any maps or visualizations of historical deployments / use here.

1.4.1 What are the racial demographics of those living in this area or impacted by these issues?

City of Seattle demographics: White - 69.5%; Black or African American - 7.9%; Amer. Indian & Alaska Native - 0.8%; Asian - 13.8%; Native Hawaiian & Pacific Islander - 0.4; Other race - 2.4%; Two or more races - 5.1%; Hispanic or Latino ethnicity (of any race): 6.6%; Persons of color: 33.7%.

King County demographics: White – 70.1%; Black or African American – 6.7%; American Indian & Alaskan Native – 1.1%; Asian, Native Hawaiian, Pacific Islander – 17.2%; Hispanic or Latino (of any race) – 9.4%

1.4.2 How does the Department to ensure diverse neighborhoods, communities, or individuals are not specifically targeted through the use or deployment of this technology?

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. These devices allow officers to monitor a subject or watch an area of concern from a position of safety and distance or to render-safe a potentially dangerous device. Absent exigent circumstances, or consent, a signed warrant is obtained prior to the use of this technology in any protected area.

1.5 How do decisions around data sharing have the potential for disparate impact on historically targeted communities? What is the department doing to mitigate those risks?

The Aspen Institute on Community Change defines structural racism as "…public policies, institutional practices, cultural representations and other norms [which] work in various, often reinforcing ways to perpetuate racial group inequity." Data sharing has the potential to be a contributing factor to structural racism and thus creating a disparate impact on historically targeted communities. In an effort to mitigate this possibility, SPD has established policies regarding the dissemination of data in connection with criminal prosecutions, Washington Public Records Act (Chapter 42.56 RCW), and other authorized researchers.

Further, SPD Policy 5.140 forbids bias-based policing and outlines processes for reporting and documenting any suspected bias-based behavior, as well as accountability measures.

No images, data, or audio is recorded by the SWAT or Arson/Bomb ROVs. The images captured by the underwater Harbor ROVs are not likely to impact civil liberties and have no potential for disparate impact.

1.6 How do decisions around data storage and retention have the potential for disparate impact on historically targeted communities? What is the department doing to mitigate those risks?

Like decisions around data sharing, data storage and retention have similar potential for disparate impact on historically targeted communities. SPD Policy 5.140 forbids bias-based policing and outlines processes for reporting and documenting any suspected bias-based behavior, as well as accountability measures.

1.7 What are potential unintended consequences (both negative and positive potential impact)? What proactive steps can you / have you taken to ensure these consequences do not occur.

The most important unintended possible consequence related to the continued utilization of the ROVs is the possibility that the civil rights of individuals may be compromised by unlawful surveillance. No images, data, or audio is recorded by the SWAT or Arson/Bomb ROVs. The images captured by the underwater Harbor ROVs are not likely to impact civil liberties and have no potential for disparate impact.

2.0 Public Outreach

2.1 Organizations who received a personal invitation to participate.

Please include a list of all organizations specifically invited to provide feedback on this technology.

1.	2.	3.

2.1 Scheduled public meeting(s).

Meeting notes, sign-in sheets, all comments received, and questions from the public will be included in Appendix B, C, D, E, F, G, H and I. Comment analysis will be summarized in section 3.0 Public Comment Analysis.

Location	
Time	
Capacity	
Link to URL Invite	

2.2 Scheduled focus Group Meeting(s)

Meeting 1

Community Engaged	
Date	

Meeting 2

Community Engaged	
Date	

3.0 Public Comment Analysis

This section will be completed after the public comment period has been completed on [DATE] by Privacy Office staff.

3.1 Summary of Response Volume

Dashboard of respondent demographics.

3.2 Question One: What concerns, if any, do you have about the use of this technology?

Dashboard of respondent demographics.

3.3 Question Two: What value, if any, do you see in the use of this technology?

Dashboard of respondent demographics.

3.4 Question Three: What would you want City leadership to consider when making a decision about the use of this technology?

Dashboard of respondent demographics.

3.5 Question Four: General response to the technology.

Dashboard of respondent demographics.

3.5 General Surveillance Comments

These are comments received that are not particular to any technology currently under review.

Dashboard of respondent demographics.

4.0 Response to Public Comments

This section will be completed after the public comment period has been completed on [DATE].

4.1 How will you address the concerns that have been identified by the public?

What program, policy and partnership strategies will you implement? What strategies address immediate impacts? Long-term impacts? What strategies address root causes of inequity listed above? How will you partner with stakeholders for long-term positive change?

5.0 Equity Annual Reporting

5.1 What metrics for this technology be reported to the CTO for the annual equity assessments?

Respond here.

Privacy and Civil Liberties Assessment

Purpose

This section shall be completed after public engagement has concluded and the department has completed the racial equity toolkit section above. The privacy and civil liberties assessment is completed by the community surveillance working group ("working group"), per the surveillance ordinance which states that the working group shall:

"Provide to the executive and the City Council a privacy and civil liberties impact assessment for each SIR that must be included with any departmental request for surveillance technology acquisition or in-use approval. The impact assessment shall include a description of the potential impact of the surveillance technology on civil rights and liberties and potential disparate impacts on communities of color and other marginalized communities. The CTO shall share with the working group a copy of the SIR that shall also be posted during the period of public engagement. At the conclusion of the public engagement period, the CTO shall share the final proposed SIR with the working group at least six weeks prior to submittal of the SIR to Council for approval. The working group shall provide its 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. If the working group does not provide the impact assessment before such time, the working group must ask for a two-week extension of time to City Council in writing.   If the working group fails to submit an impact statement within eight weeks of receiving the SIR, the department and City Council may proceed with ordinance approval without the impact statement."

Working Group Privacy and Civil Liberties Assessment

Respond here.

Submitting Department Response

Description

Provide the high-level description of the technology, including whether software or hardware, who uses it and where/when.

Purpose

State the reasons for the use cases for this technology; how it helps meet the departmental mission; benefits to personnel and the public; under what ordinance or law it is used/mandated or required; risks to mission or public if this technology were not available.

Benefits to the Public

Provide technology benefit information, including those that affect departmental personnel, members of the public and the City in general.

Privacy and Civil Liberties Considerations

Provide an overview of the privacy and civil liberties concerns that have been raised over the use or potential mis-use of the technology; include real and perceived concerns.

Summary

Provide summary of reasons for technology use; benefits; and privacy considerations and how we are incorporating those concerns into our operational plans.

Appendix A: Glossary

Accountable: (taken from the racial equity toolkit.) Responsive to the needs and concerns of those most impacted by the issues you are working on, particularly to communities of color and those historically underrepresented in the civic process.

Community outcomes: (taken from the racial equity toolkit.) The specific result you are seeking to achieve that advances racial equity.

Contracting equity: (taken from the racial equity toolkit.) Efforts to achieve equitable racial outcomes in the way the City spends resources, including goods and services, consultants and contracting.

DON: "department of neighborhoods."

Immigrant and refugee access to services: (taken from the racial equity toolkit.) Government services and resources are easily available and understandable to all Seattle residents, including non-native English speakers. Full and active participation of immigrant and refugee communities exists in Seattle's civic, economic and cultural life.

Inclusive outreach and public engagement: (taken from the racial equity toolkit.) Processes inclusive of people of diverse races, cultures, gender identities, sexual orientations and socio-economic status. Access to information, resources and civic processes so community members can effectively engage in the design and delivery of public services.

Individual racism: (taken from the racial equity toolkit.) Pre-judgment, bias, stereotypes about an individual or group based on race. The impacts of racism on individuals including white people internalizing privilege, and people of color internalizing oppression.

Institutional racism: (taken from the racial equity toolkit.) Organizational programs, policies or procedures that work to the benefit of white people and to the detriment of people of color, usually unintentionally or inadvertently.

OCR: "Office of Civil Rights."

Opportunity areas: (taken from the racial equity toolkit.) One of seven issue areas the City of Seattle is working on in partnership with the community to eliminate racial disparities and create racial equity. They include: education, health, community development, criminal justice, jobs, housing, and the environment.

Racial equity: (taken from the racial equity toolkit.) When social, economic and political opportunities are not predicted based upon a person's race.

Racial inequity: (taken from the racial equity toolkit.) When a person's race can predict their social, economic, and political opportunities and outcomes.

RET: "racial equity toolkit"

Seattle neighborhoods: (taken from the racial equity toolkit neighborhood.) Boundaries defined for the purpose of understanding geographic areas in Seattle.

Stakeholders: (taken from the racial equity toolkit.) Those impacted by proposed policy, program, or budget issue who have potential concerns or issue expertise. Examples might include: specific racial/ethnic groups, other institutions like Seattle housing authority, schools, community-based organizations, change teams, City employees, unions, etc.

Structural racism: (taken from the racial equity toolkit.) The interplay of policies, practices and programs of multiple institutions which leads to adverse outcomes and conditions for communities of color compared to white communities that occurs within the context of racialized historical and cultural conditions.

Surveillance ordinance: Seattle City Council passed ordinance 125376, also referred to as the "surveillance ordinance."

SIR: "surveillance impact report", a document which captures the fulfillment of the Council-defined surveillance technology review process, as required by ordinance 125376.

Workforce equity: (taken from the racial equity toolkit.) Ensure the City's workforce diversity reflects the diversity of Seattle.
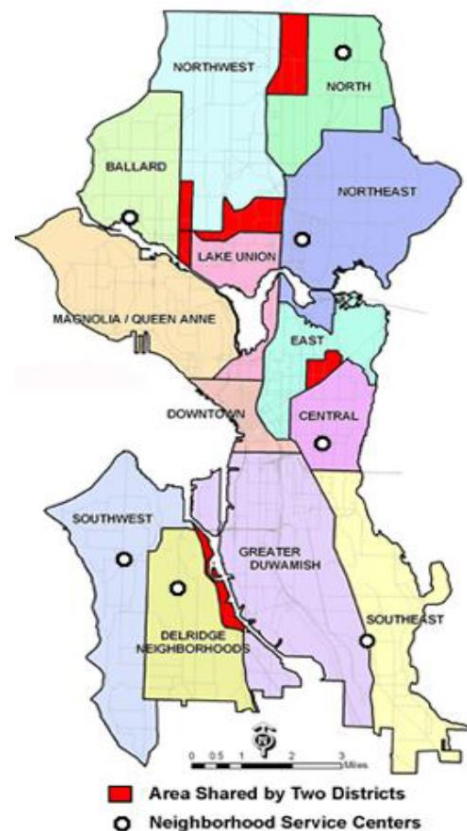
Appendix B: Public Comment Analysis

Appendix C: Public Comment Demographics

Appendix D: Comment Analysis Methodology

Appendix E: Questions and Department Responses

Appendix F: Public Outreach Overview

Appendix G: Meeting Notice(s)

Appendix H: Meeting Sign-in Sheet(s)

Appendix I: All Comments Received from Members of the Public

Appendix J: Letters from Organizations or Commissions

Appendix K: Supporting Policy Documentation

Appendix L: CTO Notification of Surveillance Technology