



**September 30, 2020**

To: Seattle City Council  
From: Lisa Judge, Inspector General for Public Safety and David G. Jones, City Auditor  
Re: Annual Surveillance Usage Review for 2019

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The Seattle Office of Inspector General for Public Safety (OIG) and Seattle Office of City Auditor (OCA) jointly submit this letter to fulfill the requirements of Seattle Ordinance 125376 as amended by Ordinance 125679.

### Background

In August 2017, the Seattle City Council (Council) updated Chapter 14.18 of the Seattle Municipal Code (SMC) which regulates the acquisition and use of surveillance technologies. According to Chapter 14.18, "...any City department intending to acquire surveillance technology shall, prior to acquisition, obtain Council ordinance approval of the acquisition and a surveillance impact report for the technology."<sup>1</sup>

Generally, each Surveillance Impact Report (SIR) must contain the following information:<sup>2</sup>

- A description of the surveillance technology to be acquired and a description of its general capabilities;
- A description of the purpose and proposed use of the surveillance technology;
- A clear use and data management policy;
- A description of any community engagement held and any future community engagement plans about the technology;
- A description of the potential impact of the surveillance on civil rights and liberties, and how potential disparate impacts on communities of color and other marginalized communities have been taken into account; and a mitigation plan; and
- A description of the fiscal impact of the surveillance technology.

According to the Seattle Municipal Code, "the Inspector General for Public Safety in regard to [the Seattle Police Department] and the City Auditor in regard to all other departments should conduct an annual review of the City's use of Surveillance technology and the extent to which departments are in compliance with the requirements of this Chapter 14.18 and

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<sup>1</sup> [Seattle Municipal Code 14.18.020](#)

<sup>2</sup> [Seattle Municipal Code 14.18.040](#)

with the terms of approved SIRs.”<sup>3</sup> This requirement is detailed in Ordinance 125679 which amended Section 5 of Ordinance 125376 to state that the “first annual surveillance usage review under Section 14.18.060 of the Seattle Municipal Code should be filed in January of 2020 and cover activities through the end of 2018. Surveillance usage reviews in subsequent years shall be filed in September and cover the data and activities of the previous year.”

### Surveillance Usage Review for 2019

According to the Seattle Privacy Office, they received 710 total requests for privacy reviews during 2019 and 288 technologies and projects were applicable. There were two resulting changes to the Master List of Technologies:

- SPD UFED Premium Software Upgrade was found to be an update to an existing technology reviewed by SIR in late 2019.
- SPD Black Bag Forensic Software was found to fall under entry for Group 4 computer, cellphone, and mobile device extraction tools. This was an upgrade to an existing Master List technology.

As required by SMC 14.18.020, the CTO filed four quarterly reports in 2019. The Seattle Privacy Office reported completing 12 SIRs by the end of 2019 for Council consideration in 2020.

The City Council accepted and approved SIRs for two retroactive technologies on September 23, 2019, in Ordinance 125936:

- Seattle Department of Transportation closed-circuit television traffic cameras; and
- Seattle Department of Transportation license plate readers.

Ordinance 125376 specifies OIG and the City Auditor are to assess compliance with the terms of approved SIRs. As Council has not yet approved any SIRs for the Seattle Police Department, OIG was not able to assess the technology used by SPD for compliance.

OCA began evaluating the Seattle Department of Transportation’s (SDOT’s) compliance with Ch. 14.18 and the two Council-approved SIRs in late 2019. It is currently working on audit reports for these technologies. On September 29, 2020, the City Council approved an extension, via Clerk File 314458, for OCA’s completion of the SDOT license plate reader report to Quarter 4, 2020, and to Quarter 2, 2021, for the closed-circuit television traffic cameras report. Carry-over funding for budgeted consultant funds was eliminated because of the COVID-19 budget crisis, resulting in OCA not being able to complete work on the reports by September 2020.

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<sup>3</sup> [Seattle Municipal Code 14.18.060](#) (Ibid)



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Inspector General



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City Auditor

OIG and OCA continue to monitor the SIR process and observe Surveillance Advisory Working Group meetings. Our offices are coordinating to ensure that both offices use a consistent methodology to evaluate departmental compliance with Chapter 14.18 and the terms of approved SIRs.