# Surveillance Advisory Working Group – June 25, 2019 Meeting Minutes

**Attendance**

Members: Shankar Narayan, Michelle Merriweather, Joe Woolley and Rich Stolz (by phone)

City Staff: Saad Bashir, Ginger Armbruster, Sarah Carrier, Omari Stringer, Seferiana Day, Megumi Sumitani (by phone), Greg Doss, Kate Garman (by phone), Gary Smith, Amy Tsai, Vinh Tang

Public: Jennifer Lee (ACLU), Cynthia Spiess

**Meeting called to order at 12:10**

**Introductions and Housekeeping**

Shankar Narayan (SN): Main order of business today is to review the two remaining PCLIA’s outstanding for the group. CopLogic – we actually have some discussion around content. I wanted to provide the group an update of what ACLU has proposed to the city as an enforceable policies model.

There is a possible hearing July 30th – where the GET committee may consider adopting some form of governance, so hopefully we will have a model for the two technologies that are first up – SDOT License plate readers and CCTV’s.

With these two reviews, we will have finished all 14 technologies on our plate.

I’d also love to hear from the Mayor’s Office about possible addition of a new member to the Working Group.

**Privacy and Civil Liberties Impact Assessment review**: Cop Logic (SPD)

SN: To start, Jen please give a background of the technology

Jenn Lee (JL): CopLogic is a crime reporting software tool that is owned by LexusNexus – allows people to report, log in and submit a police report.

There are two types of users – members of the public – only when a crime has no known suspect can a member of the public use CopLogic to submit a police report (ex. Insurance purposes); second type of use is use by retail businesses – CopLogic allows Retail Theft Program – businesses can submit police reports online. As part of this program the police reports do implicate people – it is with suspects. SPD uses this technology to reduce the need for a police officer to be dispatched, frees up SPD resources. Any data going into the system is transferred over SPD’s records management system.

SN: Concerns – a contract was provided in the SIR, but this doesn’t seem to be the contract enacted. It’s just a $9,000 contract for consulting services. It doesn’t seem to be the right contract, and this is something we flagged for the city to update in the SIR. We need to see the actual contract to see what restrictions are included in it. The PCLIA has been drafted around this gap of knowledge.

Standard concern – there is no clear articulation of what the data can or cannot be used for. Given that there is potential for personally identifiable information to be included – no control over what goes into the system – it’s important to avoid repurposing of the data.

Where we need a more substantive discussion – the retail track. It appears to be a program wherein a retailed can identify and put into the system identifying information about a person they suspect to be a shoplifter. This raised our antennae because people of color may be more affected by this. We recommend to discontinue this arm of CopLogic. It’s not clear what training the retailers undergo, or the bar they need to beat in order to use the system. It flags people that then becomes a part of the government database – records management system. It’s unclear if you can get yourself taken off if it’s a mistaken flag. Unclear what standards are for due process. We assume officers are applying applicable standards – not clear that the retailers are in a position to do that.

Recommendations:

* Make clear what the purpose is
	+ Community members file reports
	+ Use of data itself
* Contract itself – make this known – make it so that Lexus Nexus cannot share the data for another use. Data should be deleted.
* Lexus Nexus not sharing data with third parties
* Ensure that whoever gets data is held to the same purpose and use restrictions.

I’d like to open it up to others’ thoughts on this.

Joe Woolley (JW): I don’t disagree with anything you just said. Biggest thing to me is the aspect where retailers could effectively give a description of a “Bad actor”. I don’t see why retailers would have the ability but average citizen would not – there should be equal treatment of both.

Michelle Merriweather (MM): I agree. I am curious to know what kind of training the retail provider gets on this type of reporting. I understand it saves time and money for the police force, but I think this is the most uncomfortable part for me on the community side.

SN: We can add the question about what training retailers get.

MM: What are they reporting?

JL: It’s everything – name, address, description

SN: Remaining questions – what policies exist, and can we see the contract. City folks, any thoughts on whether you have seen a contract or whether we might be able to get that?

Sarah Carrier (SC): We may need to circle back with SPD.

Saad Bashir (SB): Is it an addendum that is missing?

SN: No, it’s more than that.

SB: Any recommendations about retention of data? How long it should be kept?

SN: These recommendations are just about CopLogic – once it’s transferred to the RMS, Lexus Nexus at the very least should delete it. We haven’t said anything about how it’s retained for SPD. I would love to know what filter exists – of what comes in, what goes into the system.

Any objection to ask for the retail track to go away?

Rich Stolz (RS): No objection.

SN: We add the questions about retailer training and the specific things being reported as an outstanding question. Any other modifications?

JW: On the retail topic – just striking this aspect?

SN: Any retailer could use the system as an individual could with the same checks and balances. What’s happening right now is there is an entirely separate track where retailers can enter all this sensitive personally identifying data. Yes, the net result would be that our recommendations is that retailers use the individual portal.

Greg Doss (GD): The things that are ok with individual track – no identifying information. Is there a way… It seems like the working group’s objection can’t be mitigated. Similar to hotel workers ordinance – it empowers entities above and beyond what an individual would be able to do.

SN: I’m not sure that it can be mitigated. Just knowing how prevalent the profiling issue is in the retail context.

MM: For me, a lot of these folks are kids. 16-17 year olds kids that are doing something they have no business doing, but their information is captured for who knows how long, and that is concerning.

SN: That’s a really good big picture perspective. There was a report about how minor violations often are entry point for young people to get entangled in the policing and criminal justice system.

JW: I’m comfortable with and would advocate for equal treatment for individuals to report. I don’t want to be too overreaching on how we strike it. My fear is that we strike the retailer’s ability to report altogether. Thinking of small businesses in communities of color where police response is not high – could go both ways in protecting vulnerable communities. Let’s be careful with how we frame it.

SN: Retailers can use the existing individual track.

GD: If the personally identifying information isn’t put into the system in the private track, would it not effectively shut down this option?

SN: What it would do is prevent someone from going directly into the system. On the RMS side, I don’t know if these things get merged on the other end.

GD: Retailers put something into the system. SPD gets word and would need to come out to assess the situation.

SN: It would be the officer applying the legal standard to ensure that only the information that rose to that standard was included.

Cynthia Spiess (CS): CTAB recommended doing away with the retail track altogether. The person apprehended by the “pseudo cop” might not be given their rights, their belongings may be taken away, etc. Training is important for the retailer, even if track 2 is done away with.

SN: I’m going to make a motion to transmit this to the CTO– add a sentence for retailers using the individual system and adding a training component.

MM: So moved.

SN: All in favor? With your vote, you have voted to approve the CopLogic PCLIA as edited.

**Privacy and Civil Liberties Impact Assessment review**:  911 Logging Recorder (SPD)

 JL: It’s used to record all calls placed to 911, and police

Used in two ways:

* Records all calls into 911 system – police radio traffic,
* Retrieve recordings by any SPD authorized personnel – by logging into the NICE system

This technology is used to solve criminal investigations.

SN: Key concerns: Basic issue here is there is just a lot of data – subject to repurposing. We want to allow the data to be used for evidentiary purposes, for this to be retained but for everything else to go away. The main question marks we have after reviewing the SIR – we have seen a pattern where there is not a clear statement about what the technology is for.

There is a 90-day data retention period. Not clear why this window was chosen, would be good to know why.

Finally, the same concern we see a lot – 3rd party sharing because a vendor is going to be accessing this data. Recommendations follow clearly from these concerns. One flag is there are 2.5 places where third party sharing is described. Section 6.1 is comprehensive place. It’s not clear whether this list is actually comprehensive. Some are law enforcement and some are research purposes. Further clarity would be important here. Would be good to have tighter language here. We suggest a 7-day logging recorder window. Relevant data could be quickly identified and moved into the RMS, and everything else deleted. Clarity for what is shared with third party. Final recommendation is if NICE or other third party – industry standards. NICE has a history of data breaches where phone numbers, names, etc. have been exposed. We recommend being extra careful on this one.

SN: Hearing no objections, I’m going to make a motion to approve this PCLIA and transmit to the CTO.

MM: So moved.

SN: All in favor? By your vote, you have voted to approve and transmit the 911 logging recorder to the CTO.

**Review and discuss SIR enforceable policies proposal**

SN: Given nature of the SIR’s – a lot of background information. We think it would be helpful to make clear what is enforceable under the force of law – in the Surveillance Ordinance. Designate a zone of enforceable policies, approved by Council for each technology. The agency then can make further recommendations. We met with Ginger and others at the City to come up with a document.

We didn’t want this to be a summary, but want this to be directive. This shall happen / this shall not happen. The agency can make its rules within the big picture framework – we are hoping there will be flexibility around this template. Every technology presents different concerns. To reiterate, this group has not said to not use a technology. In keeping with Council President Harrell’s point – we need to get to what we actually disagree on. Then we can begin the policy discussion.

The template follows the basic set of questions that we have asked for each policy. My worry is that maybe there are things that don’t fit in the categories but we would want to be part of the template.

Different sections, as used with SDOT license plate readers:

1. Describing the technology – what it does and why it is used.
2. Use and use restrictions
3. Who gets to use the system. Who inside the agency gets to operate the technology – and outside the agency. If multiple agencies, clarifies who and how system is used. Not just designating agency but designating individuals – those who have the training.
4. Data Collection – limit to license plate images
5. Data retention and deletion
6. Who accesses the data internally and externally
7. Data security
8. Training – whoever access and uses the system should be trained.

SN: Do you think community members would be able to access this relatively easily?

MM: Yes, it makes this complex information much easier to understand. I appreciate it, for sure.

GD: Thank you for putting this together. I echo Michelle’s comments – it’s very well organized and easily understood. It is a good synthesis of the information that is scattered throughout the SIR. It’s helpful that it is descriptive versus directive – you are letting the council know what specifically you as a Working Group are working for. Under this format you would say what you’re looking for, which will be really helpful to the policy discussion.

SN: We don’t have control over what the Council will do with this – but we will advocate for the Council

SC: Is this the ACLU’s work or the Working Group’s work?

SN: This is the ACLU’s work, but we are bringing it to the Working Group. It’s a decision for the whole working group. This came out of the GET committee hearing where we were struggling with how the WG’s recommendation’s would be publicized.

GD: I’ll speak on behalf of those who were at the meeting discussing this. I don’t think we ha determined a process for how this document would be used in the future. Kate had expressed interest in having the Executive do the first run at this. We just haven’t gotten to that step yet – which body of work it falls under. We were taking baby steps following the CP’s direction to put together something that was usable and helpful for council members, which it seems like we are getting there. In terms of process, we are going to do some of that at this upcoming meeting.

SN: Vinh, we’d love to continue to collaborate with your office. June 30th.

Vinh Tang (VT): Yes, I’ll circle back with everyone before confirming that date, but yes it is on our radar. We should be able to confirm this week. Timing-wise – do you think those two will be ready for the meeting date?

SN: They should be, but we need to see how the timing works in the planning meetings leading up to it.

VT: I’d like to have good confidence that the ordinance will have support of the WG, and that these are attached. This will be a special meeting.

SN: Everything in here is related to existing policy and practice.

VT: If there is something new, we would want to be clear.

Gary Smith (GS): There are components to this policies and procedures that aren’t in the SIR

Ginger Armbruster (GA): Yeah, departments haven’t seen this yet.

SN: Intent is to mirror what is in the SIR.

JL: It’s more directive, to say there must be policies or training pieces.

GD: What steps happen next – this needs to be determined.

GA: Do we want to land this and then schedule?

GD: Kate is working on that, but we should know soon to confirm the meeting date.

SN: Working Group, please mark your calendars for this date. I’d love to have more representation here.

MM: What time would the meeting be?

VT: Meeting would be June 30th, 9:30 AM. Is your question the next SIR that comes to council – is your question, who would take ownership?

SN: No, it was really a question to the working group about how we want to engage in the process. Wearing my ACLU hat, ACLU is happy to work with city agencies in whatever way helps move things along. Question really is whether the Working Group wants to have a role in drafting. I think it’s up to the WG in terms of how you all see the role of this group beyond the PCLIAs.

CS: Is there no system of record other than the PCLIA for found technological gaps. Where will it be recorded for posterity. How will that – is that just not accounted for?

SN: the question is really about enforcement.

GA: There is auditing called out in the ordinance. Whatever the auditing process.

SN: I think that is a good flag, Cynthia. We will take a look at the auditing. There will likely be technology specific auditing policies we may look into.

JL: We will add that to our list of things to add into the format.

SN: Any other feedback about this document?

**Looking ahead: discuss timeline and next CSWG action items**

SN: My fear is we idle for awhile and then end up with a big workload suddenly. We will continue to talk with City folks to determine how timeline should change. Ginger, any thoughts on which SIR’s we might review?

GA: First draft next week of Group 3 – we are looking to September for public engagement. We can resend out what it takes to build one of these, and add in the time. You’re looking to fall for the next round. However, they will be available to look at before the public engagement – sometime in September.

**Member Transition Update**

SN: I’ll continue to ask Kate and the Mayor’s Office on the status of the new member. We may need to make a more formal communication that that process be expedited if we don’t hear anything before the next meeting.

I think we can meet at least by phone next time around. Any thoughts, comments or concerns?

GA: Have you been in touch with other members who haven’t been to meetings?

SN: I think we need to find Asha.

MM: I may have to check my flight, but I may be on a plane on the 23rd – I’ll let you know.

Meeting adjourned at 1:25.