Seattle
Information Technology

2022

Surveillance Technology Community Equity Impact Assessment and Policy Guidance Report

Seattle Information Technology

Purpose

The purpose of the Equity Impact Assessment is to provide analysis about whether the Surveillance Ordinance is meeting its goals and to provide recommendations about changes, adjustments, or new approaches to meet its stated objectives. The Ordinance language definition this required report is as follows:

> *Every year, beginning by no later than September 15, 2019, and continuing by no later than September 15 each year thereafter, the Chief Technology Officer shall produce and submit to the City Council a Surveillance Technology Community Equity Impact Assessment and Policy Guidance Report ("equity impact assessment"), to be filed with the City Clerk with an electronic copy to the Council, the Chair of the committee responsible for technology matters, the co-chairs of the Working Group, the City Auditor, the Inspector General for Public Safety, and the Director of Central Staff, and posted to the City's website.*
>
> *The equity impact assessment shall address, at a minimum, the following:*
>
> 1. *Whether this Chapter 14.18 is effectively meeting the goals of the Race and Social Justice Initiative, including whether any communities and groups in the City are disproportionately impacted by the use of surveillance technologies;*
> 2. *What adjustments to laws and policies should be made to remedy any disproportionate impacts so as to achieve a more equitable outcome in the future; and*
> 3. *Any new approaches and considerations the City Council should bring to future reviews of requests for Council approval submitted pursuant to Section 14.18.030.*
>
> *B. The CTO shall consult with the co-chairs of the Working Group in the writing of the equity impact assessment, and shall include all Working Group feedback and recommendations in the equity impact assessment; if the CTO disagrees with a recommendation, the CTO shall provide an explanation of the disagreement in the report.*

Report Organization

This report provides sections devoted to:

- **Ordinance Background**
- **Report Summary**
- **RSJI Goals and Community Impact**
- **Recommended Policy and Legal Adjustments**
- **Future Review Considerations**
- **Approved Technology Equity Metrics**

Background

The Surveillance Ordinance

The Seattle City Council passed SMC 14.18, known as the "Surveillance Ordinance," to provide greater transparency to City Council and the public when the City acquires technology that meets the City's definition of surveillance. The Surveillance Ordinance, which took effect in September 2017, outlines requirements that include surveillance technology review and approval by City Council before acquisition for new technologies; Council review and approval via ordinance for existing technologies; and reporting about surveillance technology use and community impact. The Surveillance Ordinance is meant to protect the information of vulnerable populations who may not understand how information they give to the City could be used. The American Civil Liberties Union and the Seattle Privacy Coalition are active partners in this effort.

SIR Completion Status

To date, the following SIRs have been completed and approved by City Council:

Department	Technology	Approved
SDOT	CCTV	9/23/2019
	LPR	
SFD	Computer Aided Dispatch (CAD)	3/22/2021
SCL	Binoculars	
	Check Meter Device	
	SensorLink AmpFork	
SPD	Computer Aided Dispatch (CAD)	4/19/2021
	Automated License Plate Reader (ALPR)	
	Parking Enforcement (Including ALPR)	
	CopLogic	
	911 Logging Recorder	
	Forward Looking Infrared (FLIR)	5/24/2021
	Video Recording Systems	
	Situational Awareness Cameras	
	Audio Recording Devices	5/17/2022
	I2 iBase	
SFD	Emergency Scene Cameras	9/20/2021
	Hazmat Cameras	

Additional Surveillance Impact Reports were submitted to City Council, but have not yet been approved. These reports are detailed below.

Department	Technology
SPD	Crash Data Retrieval
	GeoTime
	Camera Systems
	Computer, Cellphone, and Mobile Device Extraction Tools
	Remotely Operated Vehicles (ROVs)
	Tracking Devices

Report Summary

RSJI Goals and Community Impact

Whether this Chapter 14.18 is effectively meeting the goals of the Race and Social Justice Initiative, including whether any communities and groups in the City are disproportionately impacted by the use of surveillance technologies

SIR RSJI review

We included a modified RSJI review methodology for the SIR to ask and document equity concerns for the technologies under review. The purpose of this section of the SIR is:

1. To provide a framework for the mindful completion of the Surveillance Impact Reports 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.
2. To highlight and mitigate any impacts on racial equity from the adoption and the use of the technology.
3. To highlight and mitigate any disparate impacts on individuals or vulnerable communities.
4. To fulfill the public engagement requirements of the Surveillance Impact Report

Per requirements laid out in Council approval for several technologies, department staff will be working on metrics for consistent reporting for future CTO Equity Reports.

Public Comment Analysis

Our public engagement efforts have produced several comments that are useful in understanding sentiment about potential disproportionate impact of technologies.

Public Engagement

Public engagement conducted for the completed SIRs included public meetings, discussion at previously scheduled departmental public meetings, summary video and documents for each technology, focus group discussions and an invitation to provide online comments during the public comment periods for each technology review. These materials were posted publicly and are available online. Before the pandemic moratorium on activities unrelated to COVID relief and response, public engagement events were conducted across the City to introduce the public to the technologies, invite questions and discuss issues about the technologies under review. The events have subsequently been conducted as online meetings. Significant effort was made to include diverse groups, including invitations to over 60 community groups and civil liberties advocating organizations, and translations of event notices and technology summaries.

Themes

Specific concerns about disproportionate use or disparate community impact were not raised for the SIRs that have been completed. The main themes for comments provided included general concern about the concept of government unnecessarily or over-surveilling in a way that could impact individual rights and civil liberties; uneasiness regarding how data and information is shared with other government agencies or City departments; appropriate application of department and city policy enforcement to ensure proper data use and management;

and the potential for data collected for one purpose being used for other purposes related to public safety and law enforcement. There were also comments requesting additional cameras to enforce bike lane regulations and park safety.

Other Concerns

Concerns about civil liberties and invasions of privacy were brought to the forefront in the summer of 2020 during many of the protests and free speech activities in Seattle. Some concerns were brought up around the use of two surveillance technologies specifically, the SDOT CCTV system and the King County Helicopters (SPD FLIR). These concerns were raised by civil liberties organizations and brought more informed questions relating to the oversight and policies regulating the use of these technologies. As the CCTV matter was a non-public safety concern, those concerns were forwarded to the department and the City Auditor.

The Forward Looking Infrared (FLIR) concerns, relating to use during protests, were reported in the media and were more applicable to some of the other public safety technologies and agencies operating in the area (Washington State Patrol), who was assisting SPD with monitoring activity rather than direct use by SPD.

In 2021, the Office of Inspector General (OIG), issued a report that found an SPD officer used Clearview AI, a facial recognition technology that was not approved for use, identified on the Master List, or identified for inclusion in the quarterly determination report, in violation of the Surveillance Ordinance. This resulted in City Council clearly identifying facial recognition technologies as a surveillance technology, subject to oversight of 14.18.

Effects of Implementation

Since the implementation of the SIR review process, departments have recognized the concerns raised by communities and have began pursuing alternative technologies that may be less invasive or raise fewer civil liberties concerns. For example, given concerns relating to vendor practices, and technical concerns raised by members of the public, the Seattle Department of Transportation (SDOT) is in the process of decommissioning one of their surveillance technologies, Acyclica, in favor of a less intrusive means of receiving data that helps them achieve their mission. Additionally, SDOT is retiring their LPR systems that are end of life and will not be replacing them due to privacy concerns as well as operational impacts that may be mitigated by newer, less invasive technologies.

Recommended Policy and Legal Adjustments

What adjustments to laws and policies should be made to remedy any disproportionate impacts so as to achieve a more equitable outcome in the future

As discussed above, disproportionate community impacts were not identified through public engagement for the technologies reviewed. Concerns and comments are primarily focused on the use of surveillance technologies by law enforcement and potential for civil liberties abuse without appropriate policies or oversight. An additional frequently addressed concern that is not explicitly covered by the ordinance is an increased focus on the cybersecurity and overall security of some of the systems or data collected.

While the City's Surveillance Ordinance provides a high level of oversight on the use of surveillance technologies, some key challenges to achieving a more equitable outcome in the future identified in the 2021 Equity Report have become more pressing within the context of the COVID-19 crisis. The following are observations made while conducting public engagement:

Observations

- **Prescriptive requirements limit participation**: The Ordinance requirements for public engagement are prescriptive, detailing how both public engagements should be conducted and what demographic data must be collected during public meetings. Requiring demographic data collection has in some cases dissuaded members of the public away from participation in scheduled events.

- **Not reaching target communities:** Demographic data collected during public engagement events and comment periods that are focused on specific technologies, as required by the ordinance, show primary engagement is not occurring within communities that are historically disproportionately affected by surveillance.

- **Technology focus limits conversation about use policies:** A disproportionate percentage of participation is occurring from individuals who have deep understanding of technology or specific aspects of technology, such as cybersecurity. Despite efforts to make material more accessible to a general audience, some technologies rely on highly technical concepts which require background knowledge and attracts specific audiences with technical knowledge. This focus can derail the policy and use focus that the Ordinance intends to promote through public engagement and comment periods and can dissuade members of the public from participating in the conversation.
- **Out of scope interest:** Members of the public often come with questions or desire conversations related to technologies that are not in scope of the ordinance or that are exempted technologies. This includes body-worn cameras, security cameras, and traffic enforcement cameras that are of interest and readily observable technologies.

Recommendations

Based on the above stated observations about public engagement, we recommend the following:

- **Department led public engagement:** As many departments regularly conduct outreach and communications with their constituents, and maintain relationships, we recommend that departments maintain the primary responsibility for public engagement, with support from ITD as needed.

- **Broader surveillance conversation:** To give platform to a more active and robust conversation, we recommend that the City create a number of opportunities to engage the community in a broader conversation around surveillance that is not focused on specific technologies that are under review. This approach could surface the specific concerns and interests around surveillance technologies into a high-level discussion of privacy and/or security risk that will appeal to a wider community and could influence a more general and coordinated Citywide approach to the use of these technologies.

- **Create a separate channel for technical questions and feedback:** City departments should provide specific engagement opportunities for conversations and discussions about the more technical aspects of the technologies under review. This will help ensure that the right subject matter experts are involved and will avoid conversations being dominated by topics and language that are inaccessible to community members who lack that knowledge and who want to engage about the impacts rather than the operations of the technology.

- **Optional demographic data collection:** As we have witnessed that many public engagement participants are uncomfortable providing detailed demographic data (including name, gender, age, race, neighborhood) at events, we recommend removing the requirement for this data collection. We believe this may further help encourage participation.

Council Considerations for Future Reviews

Any new approaches and considerations the City Council should bring to future reviews of requests for Council approval submitted pursuant to Section 14.18.

Policy Collaboration

As identified in 2021, the final stage of analysis and discussion between stakeholders about the condensed SIR and the operational policies highlighted therein, occurs late in the process before final SIR draft submission to Council. A review and identification of policy principles in advance of this final review would be a more effective method of informing and establishing acceptable policies about the use of the technologies under review. Moving this conversation to the beginning of the process in a discussion about acceptable use and civil liberties protecting data management policies and principles would be an effective approach to achieving Ordinance objectives.

Approved Technologies Equity Reports

Seattle Department of Transportation

CCTV

Findings from 2021 City Auditor's Report:

In terms of civil liberties impacts caused by the CCTV system cybersecurity vulnerabilities, we could not conclude whether CCTV technology had a negative effect on civil liberties or had disproportionate effects on disadvantaged populations because this required information technology security expertise that we did not have access to during this audit.

In terms of where CCTV traffic cameras are located in Seattle, we also could not conclude whether CCTV technology had a negative effect on civil liberties or disproportionate effects on disadvantaged populations because although SDOT has a process to determine where to deploy new CCTV cameras, it does not have a process to document the rationale for the decisions about where to locate the cameras. However, we mapped the locations of SDOT's CCTV cameras in Seattle, which indicated that SDOT placed CCTV cameras in areas based on traffic volume, and they are concentrated along major arterials in the city. The top four census tracts that contain the most CCTV cameras are in the broader Downtown area, and SDOT told us this is because of the high traffic volume and topography of those neighborhoods.

In terms of use of the CCTV technology, an ACLU-Washington representative told us that there was one instance during which CCTV traffic cameras were used to zoom in on the faces of protesters over the summer of 2020 and that this deters people from exercising their constitutionally protected right to protest. We discuss this alleged misuse of the CCTV traffic cameras as a complaint in Section E of this report.

> Complaint: the times article on tracking cell data by SDOT enrages me. in general, i can't stand SDOT. without our input, they installed bicycle lanes, speed humps, 25mph signage, and now cellphone tracking technology that they hope to expand. for such a liberal city, it seems that our rights are being taken away while we are asked to pay more for your homeless people who steal and refuse to get mental health treatment and who you refuse to house or expel after they cause multiple safety issues. you can't go anywhere in the city because of the speed limit and lack of parking and roadways due to bicycle lanes that are not used. you can't control your own property because the city wants to dictate everything down to getting a permit to trim your trees but not how much overgrowth covers the sidewalks making it hard to walk. you can't can't can't but the city can use your data without your consent and tax you without providing adequate safety and police services. there is something wrong with this city and its employees, council, mayor, etc. https://www.seattletimes.com/seattle-news/times-watchdog/seattles-surveillance-contractor-has-history-of-illegal-sales-bribery-worrying-privacy-advocates/

Seattle City Light

Current Diversion Technologies

For the 3 Current Diversion Technologies, Seattle City Light submitted a total of 12 current diversion investigations. Please see the table below for a summary of the data provided:

*Note: data provided by SCL represents the number of current diversion investigations, but may not be reflective of the usage of the 3 current diversion technologies.

Neighborhood	Investigations
Beacon Hill	1
Bitter Lake	1
Burien	1
Crown Hill	1
Highline	1
Lake City	1
Loyal Heights	1
Phinney Ridge	1
Shoreline	1
Tukwila	2
West Seattle	1
Total	**12**

Seattle Fire Department

The Seattle Fire Department is currently in the process of completing a Racial Equity Toolkit review for the Computer Aided Dispatch. Findings from this RET review and additional technologies will be included in a future report. The questions that will be addressed by the toolkit include the following:

Hazmat Cameras

1. Are pictures taken at a disproportionate rate for different areas of the City?
2. Have pictures been taken of individuals? And if so, are they disproportionately members of a vulnerable population?
3. Are pictures that identify individuals shared with law enforcement? And if so, are they disproportionately members of a vulnerable population?

Emergency Scene Cameras

1. Are pictures taken at a disproportionate rate for different areas of the City?
2. Have pictures been taken of individuals? And if so, are they disproportionately members of a vulnerable population?
3. Are pictures that identify individuals shared with law enforcement? And if so, are they disproportionately members of a vulnerable population?

Computer Aided-Dispatch (CAD)

The Seattle Fire Department has identified the following equity metrics pertaining to the Computer-Aided Dispatch technology:

1. Prevalence of Premise Notes in CAD and if they are disproportionally associated with members of vulnerable populations.
2. Impact of Premise Notes on response time.

3. Impact of CAD data on response times based on geographic location, such as neighborhood, station area and zip code.

Seattle Police Department

Automated License Plate Readers (ALPR) (Patrol)

SPD currently has eleven vehicles equipped with ALPR and deployed across all five precincts, based on the size of the jurisdiction. North Precinct has 3 such vehicles, while South, East, and West Precincts each have 2, and the West Precinct has 1. There is a single additional unmarked vehicle assigned to a Citywide follow-up unit.

Deployment of these limited resources could lead to disproportionality based on census demographics for each precinct, but the distribution is spread evenly across all precincts. At the public session, community members asked why *all* patrol calls did not have ALPR technology, which has been a cost issue in the past. However, the FLEET 3 upgrade to the In-Car Video system will provide an optional capability for all patrol cars to have ALPR. SPD submits that this would achieve operational neutrality as this would eliminate discretion in deployment completely and is exploring this option.

Other than monitoring deployment across precincts to help ensure fair distribution, there are no additional equity metrics that SPD can reasonably supply that would be meaningful. With a 90-day retention period, there are currently nearly 1.4 million individual license plate reads in the system. While geographic data is theoretically available for each, the sheer quantity of data means that it cannot be easily mapped out or analyzed.

CopLogic

For each report submitted via CopLogic, SPD is able to provide some simple geographic data: precinct, sector, and beat. See Appendix A for Racial Disparity Analysis conducted by SPD per Council request.

Forward Looking Infrared (FLIR / KCSO Helicopter)

Each time that the King County Guardian 1 helicopter (equipped with FLIR technology) assists SPD, that information is logged in the Computer-Aided Dispatch (CAD) system. SPD – with the assistance of CSCC – can identify the date, location, and call type for each time that FLIR technology is employed.

Video Recording Systems

Unfortunately, SPD is unable to offer any metrics for analysis, as there are no data collected on the videos themselves, aside from date and time.

Situational Awareness Cameras

Unfortunately, SPD is unable to offer any metrics for analysis, as the SWAT team does not track when this equipment is used.

Appendix A: SPD CopLogic Racial Disparity Analysis

April 8th, 2022

Councilmember Lisa Herbold, Chair
Public Safety & Human Services Committee Seattle
City Council
City Hall
600 Fourth Ave, 2nd Floor Seattle,
WA 98104

Dear Chair Herbold and Seattle City Council Members:

In response to Council Bill 120028, the Seattle Police Department (SPD) is required to provide a racial disparity analysis report for Security Incident Reports received through CopLogic, including the reported age and race of each suspect and the incident location. SPD is further required to provide an annual update to this report.

Introduction

In preparing this report, which is submitted late due to staffing constraints and a need to understand the data for this initial analysis, the Department also considered the operational realities of the retail theft reporting process. It should be noted that in this system, while participating businesses can submit a report of shoplifting through the electronic platform instead of calling 911, all CopLogic reports are reviewed by an officer and a supervisor before being "accepted" into the records management system. As in any crime report, a victim does not have to know the identity of the alleged subject to report a crime. However, there must be sufficient information and documentation that a theft did occur for a report to be accepted.

It should first be noted that before the department implemented its new records management system (RMS) in May of 2019, it was not possible without manual coding to reliably identify the CopLogic reports that were submitted through the Retail Theft Program. The new RMS has a labeling system, which this analysis revealed as reliable in identifying RTF reports.

In Attachment I, the data and necessary caveats are presented. The primary consideration before analyzing any of the data or analyses is the reality that each of the users of the retail theft program have different policies and procedures for what they report through the system, as well as ever-changing standards based on both local and, where applicable, corporate guidance. This fact alone makes any trend analysis generally invalid as the situation on the ground is not consistent from user to user, or for each user across various years.

Additionally, the data overview, as well as the operational assessment, revealed that many of the users (29% in 2020 and 60% in 2021) did not identify the person. This suggests, in consultation with the program liaison, that many users would file reports without confirming or even knowing the identification of the person believed to have taken the item(s).

Taken together, these facts, along with the drastic shifts in how commercial activity occurred during the pandemic, require that the general trends in overall use of the system not be assessed for overall meaning. It is suggested that an in-depth analysis of the use of the system by a single, high-volume user, might be more productive at determining how the system is used over time.Data Summary

As shown in Attachment I, the majority of subjects across the two years where a gender was reported were male (69%). A majority of subjects where race was reported were white (54%), though significant proportion (26%) of those reported were identified as Black or African American. A plurality (38%) were identified as being between the ages of 30-49, with 30% identified as being between the ages of 18-29.

There were slight differences in the distribution of demographic categories between 2020 and 2021, but given the high percentage of "unknown" persons and missing information, these differences should not be viewed as illustrative.

Summary

The Council Bill requested a racial disparity analysis of the CopLogic system. It is unclear if such an analysis could ever be conducted given the variety of ways in which individual private entities decide when, what, and how to report when goods are taken from their businesses, especially the practice of logging theft incidents without confirming, or supplying, the name of the alleged subject.

A simple comparison of the identified demographics of alleged subjects is not in alignment with the overall population of the city, or of the downtown retail core. However, best practices in disparity analyses tell us that the challenge in any such work is measuring the dominator – the population at risk of being subjected to the action under disparity analysis. As a department we do not have access to the visitor demographics of these businesses, so it would be spurious to conduct such an analysis.

As noted above, an audit of a single, or small selection, of retail theft program participants might better provide an understanding of how the program operates and if there are procedures that could be changed or put in place to guard against any disparate use of the reporting system.

Sincerely,



Adrian Z. Diaz
Chief of Police
Seattle Police Department

Seattle Police Department Data-Driven Policing Report:

City of Seattle Council Request for Retail Theft Program Participation and Demographics
January 1 – September 30, 2020, and 2021

Data Summary

Background

This is the first request for a report of its kind, and therefore, additional analytic steps were taken to evaluate both the reliability and validity of these data. In addition, SPD's lead Detective for the Retail Theft Program (RTP) was consulted along the way. *Note: SPD replaced its Records Management System (RMS) in May 2019. Prior year's data and comparison are not available.*

Methodology

Data was extracted from SPD's RMS date/time field for January 1-September 30, 2020, and 2021. Online-made reports were then identified by "report writer" with a designation of "Coplogic". Using the RMS' electronic "labels", a subset of reports with a label of "RTP" were identified. The reliability/validity analysis and descriptive statistics that follow are based on those parameters.

Caveats

RTP "labels" can be added or removed based on review and system permissions.

Participating Retailers define their store reporting policies and procedures, which are inconsistent and differ from each other, e.g., some businesses have a hands-off reporting policy, increasing reporting bias for demographics. Others focus solely on repeat persons, thus increasing reporting bias for demographics.

In addition, the global Pandemic has caused business operating anomalies that should be taken into consideration.

Findings

Overall, RTP reporting data from participating businesses appears to be inconsistent and bias, thus making cumulative inferences difficult, if not impossible.

SPD's RTP report identification reliability is high, while the validity of associated demographics is low.

Recommendations

An individual assessment of a single business may provide more fruitful outputs and understanding.

Work with participating businesses to standardized reporting requirements and re-assess the data along the way.

Ethical data notation: Any use of these data without the corresponding data summary forfeits SPD citation.

Table 1: Report Identification Reliability – High

- 2% error rate detected in the identification and labeling of an RTP report in SPD's RMS.

Time Frame	Retail Theft Program Reports Correctly Labeled	Retail Theft Program Report Incorrectly Labeled
Jan - Sep 2020	464 (97%)	12 (3%)
Jan - Sep 2021	372 (99%)	3 (1%)
Total	836 (98%)	15 (2%)

Table 2: Report Demographic Validity – Low

- 29% of RTP reports in 2020 listed demographics for an "unknown" person. This number increased to 60% in 2021. 2019 was a partial year due to the RMS replacement.

RTP Coplogic Suspect Count

	Offense Date		
individua..	2019	2020	2021
Unkown	218(36%)	159(29%)	150(60%)
Other	394(64%)	394(71%)	101(40%)
Grand Total	612(100%)	553(100%)	251(100%)

Ethical data notation: Any use of these data without the corresponding data summary forfeits SPD citation.

Table 3: SPD RTP Report Counts

Overall RTP Coplogic Reports[1]

Retail Theft Program Coplogic Reports		
Year of Offense Date	Report Count	Distinct Suspect Count[2]
2020	476	375
2021	218	78

Graph 1: SPD RTP Report Demographics

Suspects in RTP Coplogic Reports

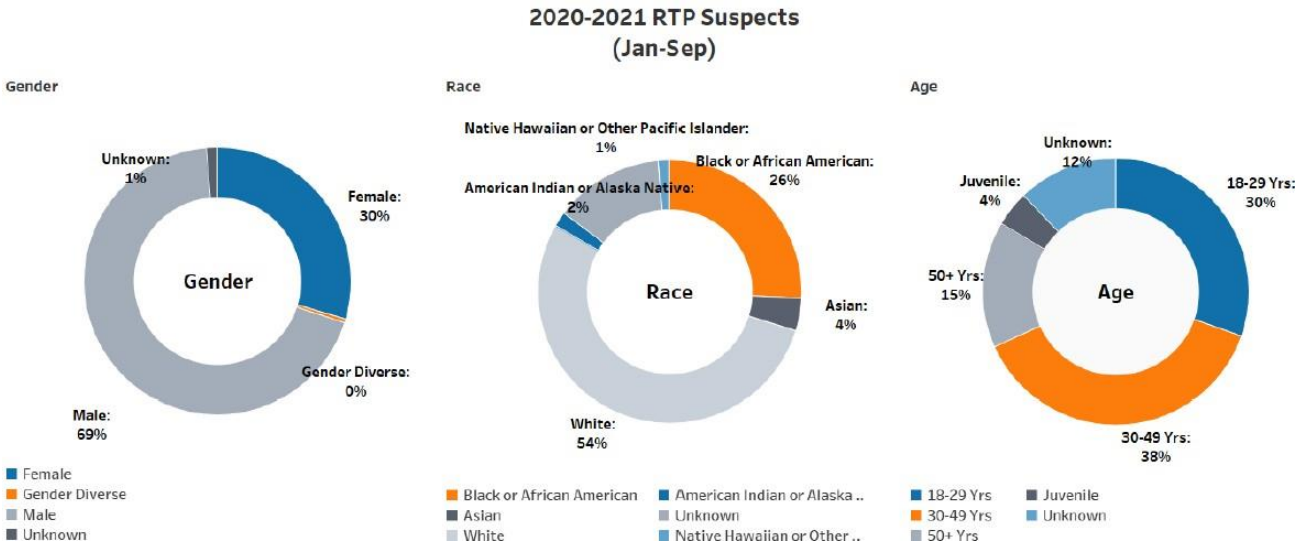


Table 4: Gender Breakout

Gender				
	2020		2021	
Gender	Suspect Count	% of Total	Suspect Count	% of Total
Female	115	31%	18	23%
Gender Diverse	1	0%	1	1%
Male	258	69%	56	72%
Unknown	2	1%	4	5%
Grand Total	**375**	**100%**	**78**	**100%**

Ethical data notation: Any use of these data without the corresponding data summary forfeits SPD citation.

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Table 5: Race Breakout

Race				
	2020		2021	
Race	Suspect Count	% of Total	Suspect Count	% of Total
Black or African American	101	27%	14	18%
Asian	16	4%	2	3%
White	208	55%	38	49%
American Indian or Alaska Native	6	2%	2	3%
Native Hawaiian or Other Pacific Islander	5	1%	1	1%
Unknown	40	11%	23	29%
Grand Total	**375**	**100%**	**78**	**100%**

Table 6: Age Group Breakout

Age Group				
	2020		2021	
Age Group	Suspect Count	% of Total	Suspect Count	% of Total
18-29 Yrs	104	28%	34	44%
30-49 Yrs	145	39%	26	33%
50+ Yrs	66	18%	4	5%
Juvenile	18	5%	1	1%
Unknown	42	11%	13	17%
Grand Total	**375**	**100%**	**78**	**100%**