

From: Seattle Community Surveillance Working Group (CSWG)  
To: Seattle Chief Technology Officer  
Date: July 7, 2019  
Re: Privacy and Civil Liberties Impact Assessment for CopLogic

## **Executive Summary**

On June 4, 2019, the CSWG received the Surveillance Impact Report (SIR) for CopLogic, a surveillance technology included in Group 2 of the Seattle Surveillance Ordinance technology review process. This document is CSWG's Privacy and Civil Liberties Impact Assessment for this technology as set forth in SMC 14.18.080(B)(1), which we provide for inclusion in the final SIR submitted to the City Council.

This document first provides our recommendations to the Council, then provides background information, key concerns, and outstanding questions on CopLogic technology.

Our assessment of CopLogic focuses on three key issues rendering protections around this technology inadequate:

1. There are no specific policies regarding retention of data collected by CopLogic or LexisNexis, and now such data will be integrated into SPD's future Records Management System, Mark43.
2. The retail track of CopLogic raises significant civil liberties concerns, including the potential for retailers to obtain and enter identifying information into CopLogic on the basis of mere suspicion of criminality, without conviction or due process.
3. LexisNexis is not clearly prohibited from retaining CopLogic data or sharing it with third parties.

## **Recommendations**

The Council should adopt clear and enforceable rules that ensure, at a minimum, the following:

1. CopLogic data may be used only for purposes of allowing community members to file police reports or investigating and, as appropriate, prosecuting crimes.
2. The contract between the City of Seattle and LexisNexis must include the following minimum provisions:
  - a. LexisNexis may not use CopLogic data for any purpose other than providing the CopLogic tool to the City of Seattle and interfacing it with Mark43.
  - b. LexisNexis must immediately delete all CopLogic data after that data has been transferred to SPD's records management system (RMS). LexisNexis must delete all CopLogic data within 30 days of its creation regardless of whether such a transfer has taken place.

- c. LexisNexis must not share CopLogic data with any third party.
  - d. LexisNexis and any third party that has access to CopLogic data must be held to the same purpose and use restrictions as SPD.
3. The retail track of CopLogic must be discontinued. Retailers should still be allowed to access and use CopLogic to provide information as any other member of the public would.

## Background

CopLogic (otherwise known as the LexisNexis Desk Officer Reporting System)<sup>1</sup> is a crime reporting software tool owned and maintained by LexisNexis, and used by the Seattle Police Department (SPD) to allow members of the public to submit police reports online through a web-based interface. CopLogic targets two types of users:

1. Individuals who wish to report a crime in which no known suspect is available, and for which they may need proof of police reporting (e.g., for insurance purposes). These individuals can report crimes via an online public interface without waiting for an officer to dispatch and take a report.
2. Retail businesses that participate in SPD's Retail Theft Program, which can report low-level thefts occurring in their businesses when they suspect an individual of shoplifting, via an online password-protected interface.

This technology is used by SPD to reduce the need for a police officer to be dispatched for the sole purpose of taking a police report, freeing up resources in SPD's 9-1-1 Center. Data collected by the CopLogic system is transferred to SPD's records management system, but may also be retained in the CopLogic system itself.

While SPD states that it does not allow members of the public (the first type of user) to report crimes with known or describable suspects via CopLogic, retailers participating in SPD's Retail Theft Program (the second type of user) can still do so.

## Key Concerns

1. **There are no specific policies regarding retention of data collected by CopLogic or LexisNexis, and how such data will be integrated into SPD's RMS, Mark43.** While the contract between the City of Seattle and LexisNexis for CopLogic itself has not been provided, neither the contract between the City of Seattle and LexisNexis for interfacing that tool with Mark43 nor LexisNexis's Privacy Policy appear to contain restrictions on how long CopLogic/LexisNexis retains collected data. While a memo from SPD Deputy Chief Garth Green<sup>2</sup> (dated April 29, 2019) states that once reports generated in the CopLogic system are imported into SPD's records management system, they are "auto-deleted from the LexisNexis servers after 120 days," there is no specific, enforceable policy or contractual provision provided that supports this deletion. Confusingly, the "Data Retention" section on page 154 of

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<sup>1</sup> <https://risk.lexisnexis.com/products/desk-officer-reporting-system>

<sup>2</sup> Submitting Department Memo, Surveillance Impact Report, CopLogic, SPD, page 3-4.

the SIR introduces the terms “exported report,” “approved report,” “pending report,” and “rejected report” and suggests different associated retention periods, with no further context defining these different types of reports or clear policies enshrining the different retention periods.<sup>3</sup> Finally, there is a lack of clarity on how the CopLogic data will be integrated with and analyzed within Mark43, when it is implemented, and to which third parties it might be made available.

2. **The retail track of CopLogic raises significant civil liberties concerns, including the potential for retailers to obtain and enter identifying information into CopLogic on the basis of mere suspicion of criminality, without conviction or due process.** This raises civil liberties concerns around due process, because individuals merely suspected of committing a crime or infraction will be automatically entered into a law enforcement database, with no application of any legal standard, by a private entity, with no due process or even notice. By blurring the line between private entities and law enforcement, the retail track of CopLogic also raises concerns of mission creep and misuse. It is unclear what training retailers are required to have before acquiring a CopLogic login. And because consumer racial profiling by retailers is a widespread and well-documented practice, it is likely that people of color will be disproportionately apprehended and entered via the retail track of CopLogic.<sup>4,5</sup>
3. **LexisNexis is not clearly prohibited from retaining CopLogic data or sharing it with third parties.** It is not clear what data CopLogic retains, if any, after SPD has imported it into its RMS—no contract for the CopLogic tool itself has been provided in the SIR. The provided contract between City of Seattle and LexisNexis for interfacing CopLogic with Mark43 actually allows sharing of the CopLogic data with third parties for purposes of fulfilling the contract, but it’s not clear why LexisNexis would need to do that—so such sharing should be prohibited.<sup>6</sup>

## Outstanding Questions

The following information should be included in an update to the CopLogic SIR:

1. Is there a written contract for the provision of the CopLogic tool to the City of Seattle? If so, that should be included in the SIR, and if not, there should be one.
2. Are there written and enforceable data retention policies restricting LexisNexis’s retention of CopLogic data?
3. Are there written and enforceable policies restricting LexisNexis from sharing CopLogic data with third parties?

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<sup>3</sup> Appendix I: Supporting Policy Documentation, Surveillance Impact Report, CopLogic, page 154.

<sup>4</sup> <https://www.aclu.org/blog/racial-justice/race-and-criminal-justice/shopping-while-black-harms-go-deeper-you-think>

<sup>5</sup> Pittman, C. 2017. “Shopping while Black”: Black consumers’ management of racial stigma and racial profiling in retail settings. *Journal of Consumer Culture*. <https://doi.org/10.1177/1469540517717777>

<sup>6</sup> Contract between City of Seattle Information Technology Department with LexisNexis (Agreement number C3-0201-18). Clause 27: “Data Use”. Available at: [http://www.seattle.gov/Documents/Departments/Tech/Lexis\\_Nexis\\_Consultant\\_Agreement.pdf](http://www.seattle.gov/Documents/Departments/Tech/Lexis_Nexis_Consultant_Agreement.pdf)

4. What training do retailers receive, if any, prior to participating in the retailer track of CopLogic?
5. Is there any way to verify or correct inaccurate information entered into the CopLogic system?
6. How will CopLogic data be integrated with Mark43?

The answers to these questions can further inform the content of any binding policy the Council chooses to include in an ordinance on this technology, as recommended above.