

Surveillance Advisory Working Group – Meeting Minutes: April 23, 2019

Attendance

Members in-person: Shankar Narayan, Michelle Merriweather, Asha Mohamed

Members by phone: Rich Stolz, Masih Fouladi, Joe Woolley

City Staff: Ginger Armbruster, Omari Stringer, Seferiana Day, Sarah Carrier, Vinh Tang, Greg Doss, Kate Garman, Cynthia , Gary Smith, John Campos, Megumi Sumitani

Public: Cynthia Spiess

Meeting called to order at 12:02pm

Introductions and Agenda

Shankar (SN): Anxious because the group hasn't fully started the review process. I propose we spend the first hour reviewing the drafts in front of us, take 10 minutes off of ALPR technologies, and then do the admin stuff in the last 30 minutes– delivery schedule, Sharepoint, admin support and processes, member transition.

Privacy and Civil Liberties Impact Assessment Review: Current Diversion Technologies

SN: We drafted this – as a reminder, we don't have the SIR's with public comments, but I think it's worth reviewing these so we have them ready to go. We could get the SIRs right after this meeting and move forward with transmission if this draft is acceptable. The summary is pretty simple, that these are essentially brick and mortar surveillance technologies. They don't necessarily raise the concerns. We had asked last time around to see if City Light had any enforceable use policies. There are no written enforceable policies around these three technologies. The proposal we make is to have written policies for what you can use the devices for. We didn't hear any troubling uses for these at the surveillance fair, but I think it's good policy to have a written policy, and to explain the extend to which data is collected. It should be protected and secured, and deleted as soon as the investigation is complete. Equity analysis – we have not seen that. We recommend that be made available to the public. This is all basic accountability practice. With that, I'll open it up to discussion:

Joe (JW): I didn't have anything material in terms of any items that looked off or problematic. No comments from me.

Michelle (MM): Same here, I agree.

Masih: No really substantive comments from us.

SN: This may be the easiest surveillance technology we review. It's really for City Light, not necessarily for Council to create this policy. It does lead me to a particular flag just on the process of this. I went

back to look at the language of what is needed for approval from Council. We may need to discuss with the Council – is it really an SIR approval.

Greg (GD) - City depts should come forward with their procedures to protect data. Those are part of the SIR.

Vinh (VT): the intent of the original bill – the path is not to have 28 separate bills for each technology. What we see from the working group is Ideally, there are rules in a blanket ordinance that would cover these and similar technologies.

SN: We also want to do this in the easiest possible way.

VT: Maybe it's not just cameras... the issue you flagged about facial recognition – SFD fighting a fire for example. Legally speaking, there might be language in the existing bill that covers the camera/ video stuff as well.

SN: I see the process as we raise these concerns, and bring them to Council.

Gary (GS) – Shankar is right. The ordinance sees council approval of a SIR. Doesn't specifically directed to the cameras or the data.

SN: Back to the substance. It sounds like we have consensus on the memo, but we haven't officially received the SIR's. My proposal would be that we ask to receive the SIR's.

The group: Sounds good.

SN motioned a vote to approve receiving the 3 SIR's and submitting the finalized comments.

MM seconded. All approved. Motion passes.

Privacy and Civil liberties Impact Assessment Review: ESC, HazMat, CCTVs

SN: SFD – Unaugmented camera technology. Restrict operation to the purpose. Limit data retention to effectuate the purpose. Limit sharing to third parties to the purpose. Data should be limited.

JW: I had the same concern. Page 18 on Hazmat SIR, I was looking at policy. That alone isn't alarming to me. If we can get follow up as the policy evolves.

GD: For executive folks – there's a situation where SFD is going to develop policies. SFD hasn't completed the work, so the SIR needs to be reviewed as it is – without policies. What purpose voting this through and sending it to Council would have, since there are no policies for Council to adopt via a SIR. Council would have to create the policies, and then would have to go back to SFD.

SN: this goes back to the ambiguity of what is being adopted by Council. We need to flag – the purpose of our feedback is to inform the policies adopted in the future.

SN: Is this the right content? Any changes?

Asha (AM): Since there is a lack of clear policy in the language... My understanding is that first you have the policy in place and everything else will follow. But right now we have loose language that is not good enough in that sense.

SN: There is no language that addresses the concerns that are being raised.

AM: I'm a little bit unnerved. I think we need to have a better understanding before we move forward.

SN: At least what I'm hearing, there are concerns about what is in the SIR. Our choice is to give feedback. Is this the right set of proposals.

GD: The executive will have to figure out – do we send this to Council, or do we want to fix this? You all need to work with what you have.

VT: Reading the original ordinance – 3A: how and when the technology is deployed, and by whom. Re: the process. I think we have it set up in the bill. We get 28 SIR's. We got these first 3.

SN: I think we need more discussion on that. It's not clear on how the process will work. Let's stick to the substantive discussion. Is this the right set of recommendations?

MM: What happens after that is not up to us.

SN: I'm going to suggest we approve this. Shankar moves to approve the Privacy and Civil liberties Impact Assessment Review: ESC, HazMat, CCTVs.

Michelle seconded. All in favor. Motion was approved.

Privacy and Civil liberties Impact Assessment Review: ALPRs

SN: Limiting purpose of collection. Ensuring that sharing is also limited, that purposes are clearly defined. There have been discussions around license plate technologies. They are essentially, largely used in a dragnet manner.

What should SPD be able to do with ALPRs? – these should perform the function of checking plates against hot lists. Currently 90-day retention period. We suggest that should be shortened to 48 hours. If a hit doesn't happen, no data should be retained at all. Data sharing with agencies – this has happened most notably – sharing with ICE – not in Seattle, but elsewhere. Recommendation is to limit to third parties that have a written agreement. Then recommendations for audits. The other two largely mirror what we are suggesting for SPD – the criminal enforcement and potential sharing with other agencies is the biggest issue. SDOT conducts much more limited actual collection. They have some restrictions laid out.

JW: Wondering if the retention period is longer for a reason. Can we add a caveat – I agree that retention period should be as short as possible, but want to give the benefit of the doubt that retention period is that length for a reason. Possibly technical.

SN: Thoughts of others here?

AM: Just understanding how investigations work – 90 days is too long. What is the reason behind the 90 day retention period. I want to know why 90 days?

GS: Records retention laws that all. 90-days may be a derivative of the records retention schedule. It sounds like a timeframe that would apply to surveillance video.

SN: There are a lot of schedules that apply to the state – PRA. What category of data are we talking about. I think we should ask for the time period we would like to see. There

JW: Secondly, did you have particular “Strong protections” in mind? Or is this intentionally vague?

SN: suggestion there is that recommendations and protections be applied to the parking enforcement system as well.

JW: that makes sense to me.

SN: Let’s go back to Asha’s point about purpose. The proposal for SPD’s policy, which is on what would be page 3- that this be limited to hot lists. We don’t have to make a definition, but hot lists are connected to criminal investigations. This is taken from our experience with state level ALPR bills.

AM: I’m a little peeved given personal experience. Coming to terms with – intentional vagueness, and for me that is problematic. Especially as someone whose first language is not English. Who agrees on what “suspicious” means?

SN: We were referencing “reasonable suspicion” as the legal definition. The effort here was just to be able to tie the license plate readers to that legal definition. This was a subject of discussion at the state level.

Masih: I think you did a good job of the recommendations.

Rich (RS): One thing I wanted to raise – the city recently updated policy on foreign nationals. Homeland security investigations in accordance with ICE.

SN: SPD said there would be updated policies by Jan 31st, but we haven’t seen that. I will assume that the policies are not in place.

GA: I will check in with SPD to confirm.

VT: As it relates to the 48 hours – should we email SPD to really find out about the reasoning behind retention period? Hypothetical situation – what if a vehicle involved in a crime isn’t found within the 48-hour window?

SN: There is the argument in the privacy community that this data shouldn’t be stored at all, because the nature of these things is dragnet. We want to minimize data collection. I’m fine discussing a different length of time than 48 hours, and this is just a recommendation to Council. I do want to make the changes re: state retention. This is due from us May 9th. We do have some time.

AM: Can we also add something about how do we track the data?

SN: We also include an audit system, systematic tracking for how many crimes are actually being solved.

I'd like to add the following changes: One to reference state law and technical reasons for retention period, and the other to make publicly available what disclosures happened. I move to approve the Privacy and Civil liberties Impact Assessment Review for ALPRs. Asha seconded. All in favor. Motion passed.

GA: Please send email questions to Seferiana so we make sure to get consistent answers back to you.

Update on SIR delivery schedule

SN: I'd like to put in a word on the delivery schedule. We spent a lot of time trying to chew through a schedule. It seems like the backloading of the delivery schedule gives the group very little time at the end of the process. I've made a simplified spreadsheet. There are 10 technologies that will come to us in December, including some of the most concerning ones.

GA: We have 8 SIRs ready now, ready to transmit.

Jim (JL): The question is do you want them now.

SN: Can we get Acylica and the computer aided dispatch, and put off Cop Logic and 911 logging recorder to the next meeting?

Ideally, we get the PCLIA's done, and then we will be ready to do the rest of them at the next meeting.

SN: I move to have the City send the SIRs for

- AmpFork (SCL)
- Check Meter Device (SCL)
- Acylica (SDOT)
- Computer-aided dispatch (SPD) and
- Computer-aided dispatch (SFD)

Michelle seconded. All in favor. Motion passed.

GA: Please go to the Sharepoint, and send Seferiana your preferred email to access if you have not already.

GD: CP Harrell has scheduled first GET meeting for May 21st. 9:30 am.

Update on member transition

SN: I believe the Mayor's Office is starting to seek a replacement for Negin. I conveyed my concerns about ensuring Latinx representation on the group.

Meeting Adjourned at 1:31 pm