

March 23, 2021

Transportation and Utilities Committee  
Seattle City Council  
Council Chambers  
600 Fourth Ave., Floor 2  
Seattle, WA 98124

Re: Seattle Police Department Surveillance Technologies

Dear Chair Pedersen and Councilmembers González, Herbold, Juarez, Morales, and Strauss,

The undersigned individuals and organizations dedicated to protecting people's civil rights and civil liberties write to urge you to add meaningful control and oversight to the five Seattle Police Department (SPD) surveillance technologies currently grouped into CB 120004.

These technologies are Automated License Plate Readers (ALPR) for Patrol, ALPR for Parking Enforcement, CopLogic, Computer Aided Dispatch, and 911 Logging Recorder. Below, we have outlined our concerns with each of these technologies.

We emphasize that since the last Transportation and Utilities Committee Meeting on March 17, members of the public have only been provided three business days to contact Councilmembers for amendments on these SPD technologies. We encourage the Committee to extend the deadline for amendments in order to allow for greater public engagement.

### **ALPR for Patrol**

SPD's ALPR system is a surveillance dragnet. The overwhelming majority of license plates scanned by SPD's PIPS ALPR system are of innocent individuals just going about their lives, yet SPD retains their location history for three months. This is a massive volume of surveillance data on innocent individuals.

With just 24 hours of ALPR data, it is possible to paint an intimate portrait of a person's life. Such data can reveal where they live, visit, work, and with whom they associate. Longer retention periods, such as SPD's current data retention period, can also highlight very personal matters including what medical clinic a person went to, what religion they practice, their income level, if they are an immigrant, and if they have visited a police station or courthouse.

It is unreasonable to maintain such data, especially when the plate does not match a hit. Seattle should look to other states, such as New Hampshire, which restricts the data retention period to 3 minutes unless the license plate resulted in an arrest, a citation or protective custody, or identified a vehicle that was the subject of a missing or wanted person broadcast.

City Council should specifically require SPD to not retain any license plates at all when a passing vehicle does not match a hot list (such as by quickly deleting it within three minutes, as New Hampshire does).

Additionally, SPD should be required to:

- Limit sharing of ALPR data to agencies or third parties that have a written agreement holding them to the same use, retention, and access rules as SPD; make clear to whom and under what circumstances the data are disclosed; and make publicly available a list of what disclosures have been made to which agencies and third parties and for what purposes.
- Make publicly available detailed records of ALPR scans, hits, and crimes solved specifically attributable to those hits, as well as an accounting of how ALPR use varies by neighborhood and demographic.
- Create a regular independent audit system to protect against abuse.

### **ALPR for Parking Enforcement:**

Per Resolution 31962 and Council Bill 119825, parking enforcement has been moved out of SPD. As such, the current ALPR for Parking Enforcement Surveillance Impact Report (SIR) is out of date and not representative of the current use of the system. Previously, SPD had Genetec's AutoVu ALPR system on some of its Parking Enforcement vehicles.

Regardless of ownership, a significant issue is the data sharing from the AutoVu systems to the PIPS ALPR database. Specifically, AutoVu ALPR data of non-hits and non-citations is sent to the PIPS ALPR database. This is especially problematic given the new distinct departmental ownership difference of those two systems.

The current Parking Enforcement ALPR system exacerbates the issue of mass location surveillance described above. City Council should require that data collected by Parking Enforcement ALPR systems is not shared with Patrol ALPR systems.

Additionally, City Council should specifically require the agency managing the Parking Enforcement ALPR systems to not retain any license plates that are not associated with a parking violation.

Additionally, SPD should be required to:

- Limit sharing of Parking Enforcement ALPR data to agencies or third parties that have a written agreement holding them to the same use, retention, and access rules as the agency managing the Parking Enforcement ALPR; make clear to whom and under what circumstances the data are disclosed; and make publicly available a list of what disclosures have been made to which agencies and third parties and for what purposes.
- Make explicit what photos are taken by the ALPR on Parking Enforcement vehicles, and immediately delete photos that are not associated with a parking violation.
- Make publicly available detailed records of ALPR scans, hits, and revenue generated specifically attributable to those hits, as well as an accounting of how ALPR use varies by neighborhood and demographic.
- Create a regular independent audit system to protect against abuse.

## **CopLogic:**

CopLogic is a technology owned by LexisNexis and used by SPD to allow members of the public and retailers to submit online police reports regarding non-emergency crimes. Members of the public can report non-emergency crimes that have occurred within the Seattle city limits, and retail businesses that participate in SPD's Retail Theft Program may report low-level thefts that occur in their businesses when they have identified a suspect.

This retail theft program 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. 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 raises concerns of misuse. Because racial profiling by retailers is a widespread and well-documented practice, it is likely that use of this surveillance technology will further exacerbate harms to Black, Indigenous, and people of color.

The retail track of CopLogic should be removed and disbanded.

Additionally, SPD should be required to:

- Immediately delete from CopLogic any reports that have been rejected or approved (and thus exported to SPD's RMS). The current data retention period of 120-150 days is excessive.
- Make public the contract between SPD and LexisNexis governing the use of CopLogic so that the public may review the system.
- Create a regular independent audit system to protect against abuse.

## **Computer Aided Dispatch (CAD)**

Previously, SPD had Versaterm's vCAD system. Per Resolution 31962 and Council Bill 119825, 911 operations have been moved out of SPD. As such, the current SPD CAD Surveillance Impact Report (SIR) is out of date and not representative of the current use of the system.

Regardless of which agency is managing the vCAD system, some additional problems with the SPD CAD Surveillance Impact Report include:

1. No specific policies defining purpose of use.
2. Lack of clarity on data retention within the CAD system.
3. Lack of clarity on internal and third-party access to the CAD data and for what purpose.

## **911 Logging Recorder**

Previously, SPD used NICE Ltd.'s 911 Logging Recorder. Per Resolution 31962 and Council Bill 119825, 911 operations have been moved out of SPD. As such, the current SPD 911 Logging Recorder Surveillance Impact Report (SIR) is out of date and not representative of the current instantiation of the system.

Regardless of which agency is managing the 911 Logging Recorder, some additional problems with the SPD CAD Surveillance Impact Report include:

1. No specific policies defining purpose of use.
2. The current 90-day retention period is excessive and not justified in the SIR.
3. Lack of clarity on any data sharing with third parties and for what purpose.

Various departments in the City, members of the Community Surveillance Working Group, and members of the public have invested years of effort to assess these technologies. The concerns raised by the public and condensed here represent significant investment and trust from the public that the Surveillance Ordinance process can and will result in meaningful oversight and control over these technologies.

We urge you to make meaningful changes to ensure that there is transparency and accountability with the use of these technologies.

Signed,

### Organizations

ACLU of Washington  
American Muslims of Puget Sound  
Black Lives Matter Seattle-King County  
CAIR Washington  
Densho  
Indivisible Plus Washington  
John T. Williams Organizing Committee  
La Resistencia  
MAPS-AMEN (American Muslim Empowerment Network)  
OneAmerica  
Public Defender Association  
Real Change  
Seattle JAAC  
Washington Association of Criminal Defense Lawyers  
Washington Defender Association

## Individuals

Amber Gleeson  
Ashley Del Villar  
Brianna Auffray  
Gurvinder Kaur  
Heather Moore-Davies  
Jafar Siddiqui  
Jay Hollingsworth  
Jennifer Lee  
Jevan Huston  
Jon Pincus  
Karen Studders  
Mike McCormick  
Peter C. Romine  
Phil Mocek  
Rich Stolz  
Savannah Sly