

Ordinance No. 124142

Council Bill No. 117730

AN ORDINANCE relating to the City of Seattle's use of surveillance equipment; requiring City departments to obtain City Council approval prior to acquiring certain surveillance equipment; requiring departments to propose protocols related to proper use and deployment of certain surveillance equipment for Council review, requiring departments to adopt written protocols that address data retention, storage and access of any data obtained through the use of certain surveillance equipment, and establishing a new Chapter 14.18 in the Seattle Municipal Code.

Related Legislation File:

Date Introduced and Referred: <u>3-4-13</u>	To: (committee): <u>Public Safety, Civil Rights &amp; Technology</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>3/18/13</u>	Date Presented to Mayor: <u>3/20/13</u>
Date Signed by Mayor: <u>3-26-13</u>	Date Returned to City Clerk: <u>3-27-13</u>
Published by Title Only <u>X</u>	Date Vetoed by Mayor:
Published in Full Text	Date Passed Over Veto:
Date Veto Published:	Date Returned Without Signature:
Date Veto Sustained:	

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by:

3  
*[Signature]*  
Bruce A. Harrell

Committee Action:

Date	Recommendation	Vote
<u>3/6/13</u>	<u>Substitute Version 8a for Version 10</u>	<u>BH, NL MO, SC</u>
<u>3/16/13</u>	<u>PASS AS AMENDED</u>	<u>BH, NL MO, SC</u>

This file is complete and ready for presentation to Full Council.

Full Council Action:

Date	Decision	Vote
<u>3/18/13</u>	<u>Passed as Amended</u>	<u>9-0</u>



CITY OF SEATTLE

ORDINANCE 124142

COUNCIL BILL 117730

AN ORDINANCE relating to the City of Seattle's use of surveillance equipment; requiring City departments to obtain City Council approval prior to acquiring certain surveillance equipment; requiring departments to propose protocols related to proper use and deployment of certain surveillance equipment for Council review, requiring departments to adopt written protocols that address data retention, storage and access of any data obtained through the use of certain surveillance equipment, and establishing a new Chapter 14.18 in the Seattle Municipal Code.

WHEREAS, recent incidents involving the City's acquisition of drones and the installation of video cameras along Seattle's waterfront and downtown have raised concerns over privacy and the lack of public process leading up to the decisions to use certain surveillance equipment; and

WHEREAS, while surveillance equipment may help promote public safety in some contexts, such as red light cameras, the benefits of such technologies should be balanced with the need to protect privacy and anonymity, free speech and association, and equal protection; and

WHEREAS, while the courts have established that people generally do not have a reasonable expectation of privacy in public settings, the City should be judicious in its use of surveillance equipment to avoid creating a constant and pervasive surveillance presence in public life; and

WHEREAS, all City departments should seek approval from the City Council prior to the acquisition and operation of certain surveillance equipment; and

WHEREAS, City departments should also propose specific protocols for Council review and approval that address the appropriate use of certain surveillance equipment and any data captured by such equipment; and

WHEREAS, based upon the City Auditor Office's recommendations related to the Seattle Police Departments handling of in-car video footage, departments should also develop protocols for retaining, storing, and accessing data captured by surveillance equipment; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. A new Chapter 14.18 of the Seattle Municipal Code is established as follows:

**Chapter 14.18 Acquisition and Use of Surveillance Equipment**

**SMC 14.18.10 Definitions**

The following definitions apply to this Chapter 14.18

“Data management protocols” generally means procedures governing how data collected by surveillance equipment will be retained, stored, indexed and accessed. Information comprising data management protocols includes, at a minimum, the information required in Section 14.18.30.

“Operational protocols” generally means procedures governing how and when surveillance equipment may be used and by whom. Information comprising operational protocols includes, at a minimum, the information required in Section 14.18.20.

“Surveillance equipment” means equipment capable of capturing or recording data, including images, videos, photographs or audio operated by or at the direction of a City department that may deliberately or inadvertently capture activities of individuals on public or private property, regardless of whether “masking” or other technology might be used to obscure or prevent the equipment from capturing certain views. “Surveillance equipment” includes drones or unmanned aircraft and any attached equipment used to collect data. “Surveillance equipment” does not include a handheld or body-worn device, a camera installed in or on a police vehicle, a camera installed in or on any vehicle or along a public right-of-way intended to record traffic patterns and/or traffic violations, a camera intended to record activity inside or at the entrances to City buildings for security purposes, or a camera installed to monitor and protect the physical integrity of City infrastructure, such as Seattle Public Utilities reservoirs.

**SMC 14.18.20 Council Approval for City Department Acquisition and Operations of Surveillance Equipment**

Any City department intending to acquire surveillance equipment shall obtain City Council approval via ordinance prior to acquisition. Prior to deployment or installation of the surveillance equipment, City departments shall obtain Council approval via ordinance of operational protocols, unless applicable operational protocols were previously approved by ordinance. In requesting approval for acquisition of surveillance equipment, City departments shall include proposed operational protocols containing the following information for the City Council's consideration, along with any other information specifically requested by the City Council:

- A. A clear statement describing the purpose and use of the proposed surveillance equipment.
- B. The type of surveillance equipment to be acquired and used.
- C. The intended specific location of such surveillance equipment if affixed to a building or other structure.
- D. How and when a department proposes to use the surveillance equipment, such as whether the equipment will be operated continuously or used only under specific circumstances, and whether the equipment will be installed permanently or temporarily
- E. A description of the privacy and anonymity rights affected and a mitigation plan describing how the department's use of the equipment will be regulated to protect privacy, anonymity, and limit the risk of potential abuse.
- F. A description of how and when data will be collected and retained and who will have access to any data captured by the surveillance equipment.
- G. The extent to which activity will be monitored in real time as data is being captured and the extent to which monitoring of historically recorded information will occur.



1 H. A public outreach plan for each community in which the department intends to use the  
2 surveillance equipment that includes opportunity for public meetings, a public comment  
3 period, and written agency response to these comments.

4 I. If a department is requesting to acquire or use drones or other unmanned aircraft, it shall  
5 propose the specific circumstances under which they may be deployed, along with clearly  
6 articulated authorization protocols.

7 J. If more than one department will have access to the surveillance equipment or the data  
8 captured by it, a lead department shall be identified that is responsible for maintaining the  
9 equipment and ensuring compliance with all related protocols. If the lead department  
10 intends to delegate any related responsibilities to other departments and city personnel,  
11 these responsibilities and associated departments and personnel shall be clearly  
12 identified.

13 K. Whether a department intends to share access to the surveillance equipment or the  
14 collected data with any other government entity.

15 L. A description of the training to be provided to operators or users of the surveillance  
16 equipment.

17  
18 Upon review of the information required under this Section 14.18.20, and any other information  
19 deemed relevant by the City Council, the City Council may approve the acquisition and  
20 operation of surveillance equipment, approve the acquisition of surveillance equipment and  
21 require future Council approval for operations, deny the acquisition or use of surveillance  
22 equipment for the purpose proposed, or take other actions.



**SMC 14.18.30 Data Management Protocols for Surveillance Equipment**

Prior to operating surveillance equipment acquired after the effective date of this ordinance, City departments shall submit written protocols for managing data collected by surveillance equipment to the City Council. The City Council may require that any or all data management protocols required under this Section 14.18.30 be approved by ordinance. These data management protocols shall address the following:

- A. The time period for which any data collected by surveillance equipment will be retained.
- B. The methods for storing recorded information, including how the data is to be labeled or indexed. Such methods must allow for the department personnel and the City Auditor's Office to readily search and locate specific data that is collected and determine with certainty that data was properly deleted, consistent with applicable law.
- C. How the data may be accessed, including who will be responsible for authorizing access, who will be allowed to request access, and acceptable reasons for requesting access.
- D. A viewer's log or other comparable method to track viewings of any data captured or collected by the surveillance equipment, including the date, time, the individuals involved, and the reason(s) for viewing the records.
- E. A description of the individuals who have authority to obtain copies of the records and how the existence and location of copies will be tracked.
- F. A general description of the system that will be used to store the data.
- G. A description of the unit or individuals responsible for ensuring compliance with Section 14.18.30 and when and how compliance audits will be conducted.

**SMC 14.18.40 Acquisition and Use of Surveillance Equipment Related to Law Enforcement Investigations**



1 Notwithstanding the provisions of this Chapter, City departments may acquire or use  
2 surveillance equipment that is used on a temporary basis for the purpose of a criminal  
3 investigation supported by reasonable suspicion, or pursuant to a lawfully issued search warrant,  
4 or under exigent circumstances as defined in case law. This exemption from the provisions of  
5 this ordinance does not apply to surveillance cameras mounted on drones or other unmanned  
6 aircraft.

7 Section 2. Unless Council previously approved operational protocols by ordinance for  
8 department surveillance equipment, each City department operating surveillance equipment prior  
9 to the effective date of this ordinance shall propose written operational protocols consistent with  
10 SMC 14.18.20 no later than thirty days following the effective date of this ordinance for Council  
11 review and approval by ordinance.


12 Section 3. Each department operating surveillance equipment prior to the effective date  
13 of this ordinance shall adopt written data management protocols consistent with SMC 14.18.30  
14 no later than thirty days following the effective date of this ordinance and submit these protocols  
15 to the City Council for review and possible approval by ordinance.

16 Section 4. Following one year after the effective date of this ordinance, the City Council  
17 will review its implementation as it applies to city department use of surveillance equipment.

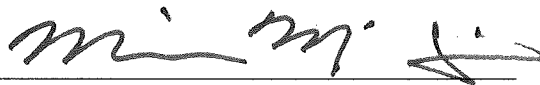
18 This ordinance shall take effect and be in force 30 days after its approval by the Mayor,  
19 but if not approved and returned by the Mayor within ten days after presentation, it shall take  
20 effect as provided by Seattle Municipal Code Section 1.04.020.




1 Passed by the City Council the 18<sup>th</sup> day of March, 2013, and  
2 signed by me in open session in authentication of its passage this  
3 18<sup>th</sup> day of March, 2013.

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6 President \_\_\_\_\_ of the City Council

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8 Approved by me this 26<sup>th</sup> day of March, 2013.

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11 Michael McGinn, Mayor

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13 Filed by me this 27<sup>th</sup> day of March, 2013.

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16 Monica Martinez Simmons, City Clerk

17 (Seal)  
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**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Legislative	Christa Valles/45336	

**Legislation Title:**

AN ORDINANCE relating to the City of Seattle's use of surveillance equipment; requiring City departments to obtain City Council approval prior to acquiring certain surveillance equipment; requiring departments to propose protocols related to proper use and deployment of certain surveillance equipment for Council review, requiring departments to adopt written protocols that address data retention, storage and access of any data obtained through the use of certain surveillance equipment, and establishing a new Chapter 14.18 in the Seattle Municipal Code.

**Summary of the Legislation:**

This legislation requires City departments to obtain Council approval before acquiring surveillance equipment. It also requires departments to develop operational and data management protocols.

**Background:**

This legislation is intended to create a public process and decision-making structure for the City's acquisition and use of surveillance equipment.

X

**This legislation does not have any financial implications.**

(Please skip to "Other Implications" section at the end of the document and answer questions a-h. Earlier sections that are left blank should be deleted. Please delete the instructions provided in parentheses at the end of each question.)

CITY OF SEATTLE

ORDINANCE \_\_\_\_\_

COUNCIL BILL 117730

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6 President \_\_\_\_\_ of the City Council

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11 Michael McGinn, Mayor

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13 Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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15 \_\_\_\_\_  
16 Monica Martinez Simmons, City Clerk

17 (Seal)

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

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8 Council:

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- 11 C. The intended specific location of such surveillance equipment if affixed to a building or  
12 other structure.
- 13 D. How and when a department proposes to use the surveillance equipment, such as whether  
14 the equipment will be operated continuously or used only under specific circumstances.
- 15 E. How the department's use of the equipment will be regulated to protect privacy and limit  
16 the risk of potential abuse.
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18 access to any data captured by the surveillance equipment.
- 19 G. The extent to which activity will be monitored in real time as data is being captured and  
20 the extent to which monitoring of historically recorded information will occur.
- 21 H. A description of the nature and extent of public outreach conducted in each community in  
22 which the department intends to use the surveillance equipment.
- 23 I. If a department is requesting to acquire or use drones or other unmanned aircraft, it shall  
24 propose the specific circumstances under which they may be deployed, along with clearly  
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THIS VERSION IS NOT ADOPTED

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17 equipment to the City Council. The City Council may require that any or all data management  
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25 certainty that data was properly deleted, consistent with applicable law.  
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1 C. How the data may be accessed, including who will be responsible for authorizing access,  
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6 President \_\_\_\_\_ of the City Council

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11 Michael McGinn, Mayor

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13 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2013.

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15 \_\_\_\_\_  
16 Monica Martinez Simmons, City Clerk

17 (Seal)  
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STATE OF WASHINGTON -- KING COUNTY

--SS.

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296304  
CITY OF SEATTLE, CLERKS OFFICE

No. 124140,141,142,143,144

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT; TITLE ONLY ORDINANCE

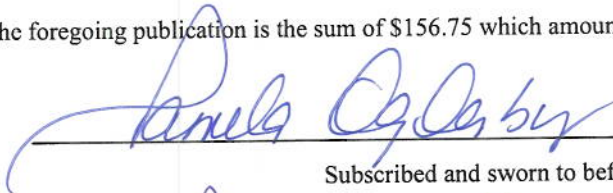
was published on

04/11/13

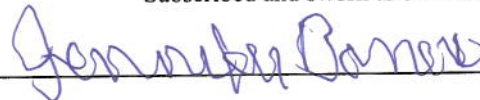
The amount of the fee charged for the foregoing publication is the sum of \$156.75 which amount has been paid in full.



Affidavit of Publication

  
Subscribed and sworn to before me on

04/11/2013



Notary public for the State of Washington,  
residing in Seattle



# State of Washington, King County

## City of Seattle

### Title Only Ordinances

The full text of the following legislation, passed by the City Council on March 18, 2013, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City

Council, please visit <http://www.seattle.gov/council/calendar>.

Contact: Office of the City Clerk at (206) 684-8344.

#### ORDINANCE NO. 124140

AN ORDINANCE relating to the City Light Department ("City Light"), declaring certain real property rights surplus and no longer required for providing public utility service or other municipal purpose; authorizing the Superintendent of City Light to execute a Real Property Exchange Agreement between the City of Seattle and Sierra Pacific Industries, Inc. (SPI) for the conveyance of said surplus property and a cash equalization payment of \$208,000 in exchange for the conveyance of SPI-owned land to the City in the South Fork of the Nooksack River watershed, Skagit County, Washington for wildlife habitat purposes; authorizing the Superintendent of City Light or his designee to execute Bargain and Sale Deeds for the properties conveyed by the City and accept a Bargain Sale Deed for the lands conveyed to the City; and placing said lands under the jurisdiction of City Light.

#### ORDINANCE NO. 124141

AN ORDINANCE accepting deeds for street or alley purposes; laying off, opening, widening, extending, and establishing portions of the following rights-of-way: the alley in Block 72, Gilman Park; the alley in Block 26, Woodlawn Addition to Green Lake; the alley in Block 11, D. T. Denny's Water Front Addition to the City of Seattle; the alley in Block 4, University Heights; the alley in Block 17, Heirs of Sara A. Bell's 2<sup>nd</sup> Addition to the City of Seattle; the alley in Block 18, Hill Tract Addition to the City of Seattle; the alley in Block 6, Plat of Replat of North Trunk Road Addition to the City of Seattle; the alley in Block 33, D.T. Denny's Home Addition to the City of Seattle; the alley in Block 55, Terry's First Addition to the Town of Seattle; the alley in Block 22, Hill Tract Addition to the City of Seattle; the alley in Block 4, Eastern Addition to the Town of Seattle; West Barrett Street abutting Block 20, Gilman's Addition to the City of Seattle; the alley in Block 20, Gilman's Addition to the City of Seattle; the alley in Block 11, Fairview Homestead Association for the Benefit of Mechanics and Laborers; Southwest Snoqualmie Street abutting Block 63, The Boston Co's Plat of West Seattle; the alley in Block 63, The Boston Co's Plat of West Seattle; the alley in Block 11, Bell & Denny's Addition to the City of Seattle; the alley in Block 56, Gilman Park; the alley in Block 3, Elbert Place Addition to the City of Seattle; placing the real property conveyed by said deeds under the jurisdiction of the Seattle Department of Transportation; and ratifying and confirming certain prior acts.

#### ORDINANCE NO. 124142

AN ORDINANCE relating to the City of Seattle's use of surveillance equipment; requiring City departments to obtain City Council approval prior to acquiring certain surveillance equipment; requiring departments to propose protocols related to proper use and deployment of certain surveillance equipment for Council review, requiring departments to adopt written protocols that address data retention, storage and access of any data obtained through the use of certain surveillance equipment, and establishing a new Chapter 14.18 in the Seattle Municipal Code.

#### ORDINANCE NO. 124143

AN ORDINANCE relating to the Traffic Code; amending section 11.23.160 of the Seattle Municipal Code to increase the number of free-floating car share permits authorized annually and ratifying and confirming certain prior acts.

#### ORDINANCE NO. 124144

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Date of publication in the Seattle Daily Journal of Commerce, April 11, 2013.

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