



Seattle Office of
Inspector General

Surveillance Technology Usage Review Forward-Looking Infrared Real-Time Video (2022 & 2023)

As Required by Seattle Municipal Code 14.18.060

September, 2024

Office of Inspector General

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Purpose

Surveillance Ordinance Requirement

Per Seattle Municipal Code 14.18.060, OIG is required to annually review the Seattle Police Department’s (SPD) compliance with the requirements of Chapter 14.18 in its use of surveillance technologies.

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Technology Description

Guardian One:

A call sign for a King County Sheriff's Office helicopter.

The King County Sheriff's Office (KCSO) Air Support Unit owns three helicopters that operate as Guardian One and Guardian Two. Guardian One offers air support for patrol and specialized police missions. Guardian Two offers support predominantly for search and rescue. The KCSO Air Support Unit monitors several SPD communication frequencies and if available to assist, advises SPD communications that Guardian One is available for support. Guardian Two is available as a call-out resource in the event of a significant incident.

FLIR: Forward-Looking Infrared Real-Time Video camera equipped to a Guardian One helicopter.

Both Guardian One and Guardian Two are equipped with color and forward-looking infrared cameras. The **Forward-Looking Infrared (FLIR) Real-Time Video camera** technology housed within the Guardian One and Guardian Two helicopters layer heat signatures of individuals and objects on top of the aerial video. The FLIR technology allows subjects to be detected even when obscured by clouds, haze, or darkness; however, infrared light cannot penetrate walls or roofs and is not designed to capture details, so the FLIR camera is only able to track subjects outdoors.

In 2022 and 2023, Guardian One was the only helicopter from KCSO's Air Support Unit that was involved in SPD incident responses. There was no indication from SPD records that Guardian Two assisted SPD during the review period.

SPD records generally only specify whether Guardian One or SPD initiated an incident response and Guardian One's level of involvement during each incident, not whether the FLIR was used. Accordingly, this review considers all incidences in which Guardian One assisted SPD, capturing potential FLIR deployments.

SECTION A

Surveillance Technology Usage

SMC 14.18.060, § A:
How surveillance technology has been used, how frequently, and whether usage patterns are changing over time.

During the review period, Guardian One assisted SPD with 134 incidents: 46 in 2022 and 88 in 2023. Guardian One's role during these incidents was to assist SPD ground units with locating suspects and/or victims and providing a bird's eye view of real-time events to SPD officers. Additionally, Guardian One joined calls for service throughout Seattle, and about 71% of incidents originated in the North or South precincts.

Figure 1. Guardian One Incident Responses by Month, 2022 - 2023

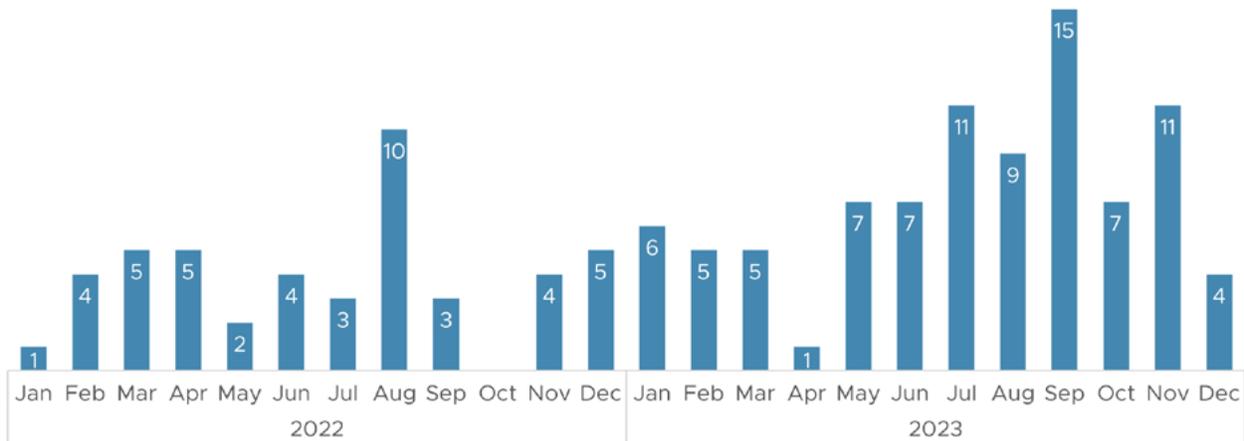
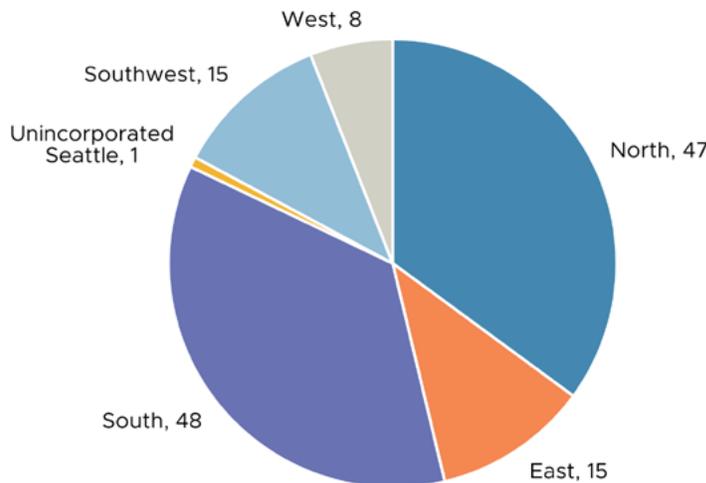


Figure 2. Guardian One Incident Responses by Precinct, 2022 - 2023

Total: 134



SECTION B

Data Sharing with External Partners and Other Entities

SMC 14.18.060, § B:
How often surveillance technology or its data are being shared with other entities, including other governments in particular.

As stated in the Surveillance Impact Report (SIR), SPD can request FLIR video recordings as video evidence from KCSO's Air Support Unit for purposes related to investigations. This evidence may then be shared by SPD with the following agencies, entities, or individuals within legal guidelines or as required by law.¹

External partner agencies are aware FLIR videos originate from the KCSO Air Support Unit and SPD is only a consumer of this information. Therefore, very few requests, if any, are submitted directly to SPD. Members of the public may still request FLIR video evidence from SPD pursuant to Chapter 42.56 RCW of the Washington Public Records Act, however the only records responsive to these requests would be FLIR video evidence already in SPD possession.

On the rare occasion that FLIR video evidence is shared outside of SPD, it may be shared through the Legal Unit, the Crime Records Unit, the SPD Public Records Request Center, or the digital evidence management system (DEMS). In 2022, SPD received two requests from members of the public for FLIR videos; however, SPD personnel reported that SPD did not have any responsive video recordings to provide. SPD personnel did provide video to City Attorney's Office in response to a discovery request. SPD reported they did not receive any public records requests for FLIR videos in 2023.

¹ Such as prosecuting attorney offices, insurance companies, courts, and federal and state law enforcement agencies. Members of the public can also access their own information pursuant to a public records request.

SECTION C

Data Management and Safeguarding of Individual Information

SMC 14.18.060, § C:

How well data management protocols are safeguarding individual information.

Data Retention

FLIR video evidence obtained from the KCSO Air Support Unit is stored within a CJIS-certified DEMS, which requires users to pass a multi-factor authentication challenge in addition to being an authorized user in the system.

Identifiability

Section 1.2 of the SIR states “though the high-definition color cameras mounted on the KCSO helicopters [are] able to discern individual characteristics, the FLIR camera system video does not capture even the most generic of identifiable individual characteristics such as race, age, or gender.” A search for videos retained in the DEMS uploaded during the review period located four recordings originating from KCSO helicopters.² Given the video quality, aerial perspective, camera movement/zooming, feed toggling, and the constant encircling movement of the helicopter, OIG was unable to identify characteristics of recorded individuals.

² Two recordings were entirely full color and tracked the movement of suspects on the interstate, while the other two recordings toggled between the full color and infrared feeds.

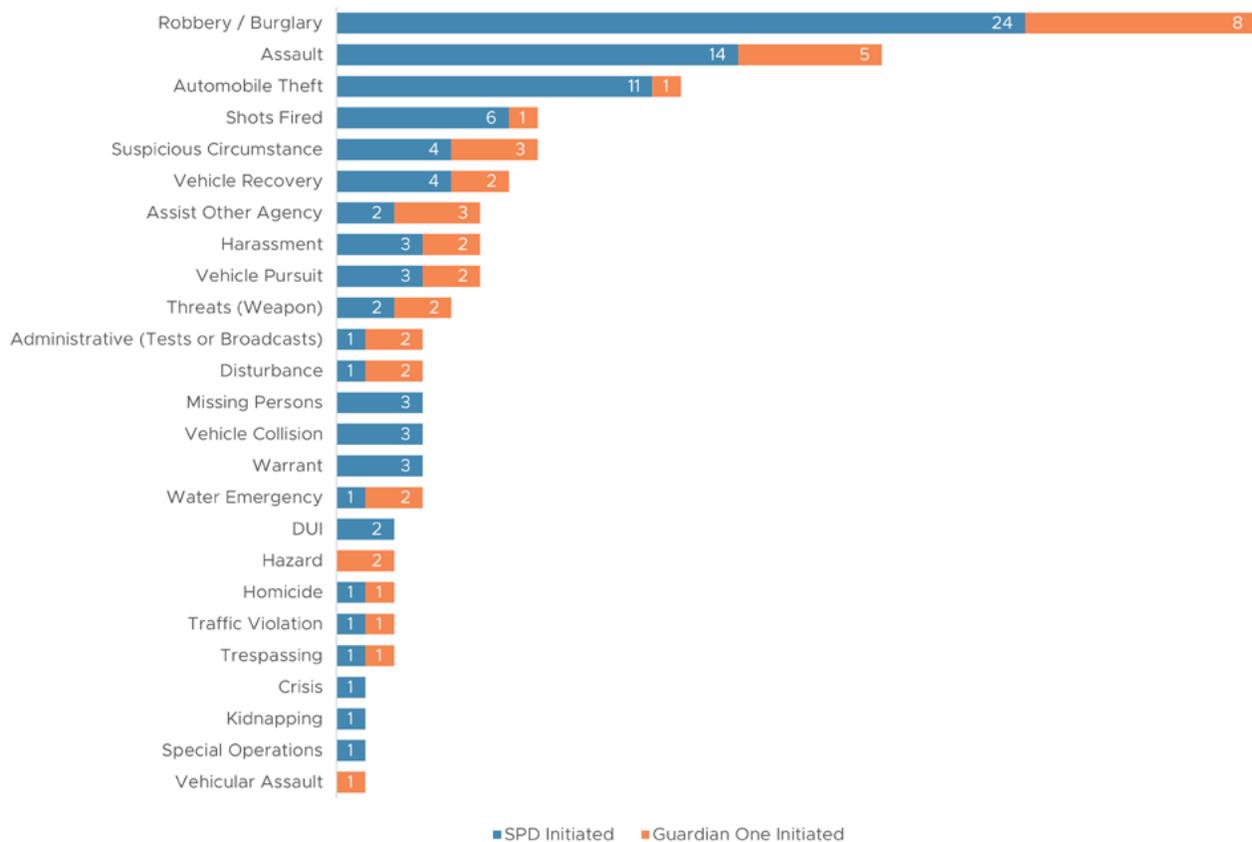
SECTION D

Impact on Civil Liberties and Disproportionate Effects on Disadvantaged Populations

SMC 14.18.060, § D:
How deployment of surveillance technologies impacted or could impact civil liberties or have disproportionate effects on disadvantaged populations (...).

During the SIR process, stakeholders submitted concerns about the use of the FLIR technology to surveil demonstrations. OIG reviewed the call-out details for all 134 incidents involving Guardian One during the review period, and none appeared to be related to a demonstration. These incidents were categorized into twenty-five types, including: assault, robbery/burglary, traffic-related incidents, DUIs, and warrants. During 2022 and 2023, robbery/burglary incidents represented the highest number of deployments followed by automobile theft, and assault.

Figure 3. Guardian One Incident Responses by Type, 2022 - 2023
Total: 134



SECTION E

Complaints, Concerns and Other Assessments

SMC 14.18.060, § E:

A summary of any complaints or concerns received by or known by departments about their surveillance technology and results of any internal audits or other assessments of code compliance.

Office of Police Accountability Complaints

There were no complaints or concerns submitted to OPA regarding the FLIR surveillance technology.

Customer Service Board Comments

One complaint was submitted in 2022 mentioning sightings of Seattle Police helicopters circling neighborhoods. Two other complaints mentioned how Seattle Police helicopters were known to search for individuals. However, none of these complaints were specific to the FLIR technology itself.

Internal Audits or Assessments

Because the FLIR technology is operated solely by the KCSO Air Support Unit and SPD neither operates nor has direct access to this technology, SPD did not conduct any internal audits or assessments.

SECTION F

Total Annual Costs

SMC 14.18.060, § F:

Total annual costs for use of surveillance technology, including personnel and other ongoing costs.

According to the FLIR SIR, the use of the FLIR technology via KCSO Air Support helicopters is available to SPD at no charge through the Puget Sound Regional Aviation Project and the Seattle Urban Area Security Initiative (UASI). An interlocal cooperative agreement between King County and cities within its jurisdiction was also executed confirming the provision of this law enforcement mutual aid agreement.

APPENDIX A: Management Response

SPD provided that it has no substantive response to this review as no matters requiring a response are raised, but SPD appreciates the opportunity to review.

Non-Audit Statement This review was not conducted under Generally Accepted Government Auditing Standards (GAGAS); however, OIG has followed GAGAS standards regarding the sufficiency and appropriateness of evidence.