

Jamela Debelak

From: Mount, Mark <Mark.Mount@seattle.gov>
Sent: Monday, December 02, 2013 2:47 PM
To: Jamela Debelak
Cc: Leavell, Ron; Doss, Greg; Socci, Angela; Miller, Karim
Subject: Booking Photo Comparison Software
Attachments: BPCS Draft 12-2-2013.docx

Ms. Debelak,

Thank you for meeting with us in September to give input into our Booking Photo Comparison Software policy. Your input was helpful and helped us develop a better policy. I wanted to keep you informed and share with you the Booking Photo Comparison Software policy. I have attached the draft for your convenience and would appreciate your review to ensure that we have not missed any of your suggestions. You will note that we have incorporated your suggestion on data retention (42 months).

Please let me know your thoughts by tomorrow afternoon, as we are in the process of wrapping up the grant legislation for this project.

Thank you,

Mark

Lieutenant Mark Mount
Seattle Police Department
Forensic Support Services
Seattle Police Headquarters
610 Fifth Avenue
PO Box 34986
Seattle, WA 98124-4986
206.684.5456
mark.mount@seattle.gov

Seattle Police Manual

12.045– Booking Photo Comparison Software

Effective Date: December 18, 2013

12.045-POL

This policy applies to the usage of Booking Photo Comparison Software (BPCS) for biometrics processing.

1. In Order to Utilize This Software, a Crime Must Have Occurred

2. Only Trained Photo Lab Personnel Will Use BPCS

3. This Software Will Only be Used to Compare Unidentified Subjects to Images in JEMS and Will Not be Used to Positively Identify a Subject

Photo Lab personnel will use an archived version of JEMS to compare photos

Further investigation may be required to confirm if a possible BPCS match meets filing standards

4. Recovered Images Will be Reviewed After a Crime has Been Committed

5. No Operator May Monitor Any Live Video Feed for This Program

6. The Photo Lab Maintains BPCS Statistics and Data

All data governing the usage of this system is retained for a period of 42 months

7. No Camera System, Including any Owned or Controlled by the City of Seattle, Will be Connected to This Software

Images captured by City camera systems may be used only after all other conditions referenced in this policy have been met

Seattle Police Manual

8. All Outside Agencies Utilizing BPCS Will Comply With This Policy

Any agency requesting SPD assistance with an investigation must satisfy all criteria in this Manual section

Seattle Police Manual

12.045-PRO-1 Procedures for Using BPCS to Identify a Potential Subject

The Officer/Detective:

1. **Establishes** that a crime has occurred
2. **Contacts** the SPD Photo Lab with the GO Number
3. **Presents** the captured image of a possible subject to Photo Lab personnel

Photo Lab Personnel:

4. **Download** the image into BPCS
5. Using the software, **compare** this captured image to those stored in JEMS
6. **Present** the images of any possible subject(s) to the investigating officer/detective

The Officer/Detective:

7. **Uses** the possible subject image(s) to further an investigation

Jamela Debelak

From: Mount, Mark <Mark.Mount@seattle.gov>
Sent: Wednesday, December 04, 2013 8:37 AM
To: Jamela Debelak
Cc: Leavell, Ron; Doss, Greg; Socci, Angela; Miller, Karim; Doug Klunder
Subject: RE: Booking Photo Comparison Software

Jamela,

Thank you for the feedback. We removed the Probable Cause standard because we believe it will prevent us from using this tool in an investigative capacity, which is the central purpose of the software. To reach a Probable Cause standard, we would already need to be able to identify the suspect. So, the software would be of little use.

We share your principles of using the software only to identify potential suspects, rather than a general matching of anyone present at a crime scene. We attempt to address this point with the use of the words “possible subjects”, but would be open to working with you on this language. We have some ideas that we would like to run past you.

Would you be open to meeting sometime soon?

Thanks again,

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From: Jamela Debelak [<mailto:jdebelak@aclu-wa.org>]
Sent: Tuesday, December 03, 2013 10:32 AM
To: Mount, Mark
Cc: Leavell, Ron; Doss, Greg; Socci, Angela; Miller, Karim; Doug Klunder
Subject: RE: Booking Photo Comparison Software

Mark –

Thanks for sharing the latest policy with us. We noted that the probable cause requirement has been removed from policy and wanted to inquiry about reasoning behind that change. We thought the probable cause requirement was a good one that ensured the matching software was used specifically to identify potential suspects and not just for general matching of anyone who may have been present at a crime scene. The requirement served to protect the privacy of general members of the public while allowing assistance for the identification of individuals who are suspected of criminal activity. Can you provide any information about why this change was introduced to the policy?

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Jamela Debelak

From: Scott, Elizabeth <Elizabeth.Scott@seattle.gov>
Sent: Wednesday, December 04, 2013 3:10 PM
To: Jamela Debelak; Doug Klunder
Subject: Booking Photo Comparison Software

Good Afternoon,

I am writing on behalf Lt. Mark Mount who is hoping to schedule a meeting to discuss Booking Photo Comparison Software. He is wondering if the two of you are available to meet on Tuesday, December 17th sometime between 1 and 4. As soon as I hear back on your availability I will send out a meeting request with the confirmed time and location

Thank you for your assistance,

Elizabeth

Kind Regards,

Elizabeth Scott, Administrative Specialist
Office of Captain Ron Leavell
Homeland Security and Metro Special Response
Seattle Police Department
206.615.0711



This record is exempt from disclosure under RCW Section 42.56.420 of the Public Disclosure Act. This record contains proprietary information that has been prepared, assembled or is maintained to prevent, mitigate or respond to criminal terrorist acts or to protect against threats to public safety. This record is a specific and unique vulnerability assessment, or response or deployment plan, or is compiled underlying data collected in preparation of, or that is essential to, such an assessment or plan. Public disclosure of this record would have a substantial likelihood of threatening public safety.

From: Jamela Debelak [<mailto:jdebelak@aclu-wa.org>]
Sent: Wednesday, December 04, 2013 11:15 AM
To: Mount, Mark
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Subject: RE: Booking Photo Comparison Software

Mark –

We are happy to meet with you about the policy. I'd like to include my colleague, Doug Klunder, as well who was at our last meeting and is copied here. We can generally be free to meet tomorrow (12/5) or on Tuesday (12/10) from 9-12 or 4-5. Let me know if any of those times may work on your end.

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Jamela Debelak

From: Scott, Elizabeth <Elizabeth.Scott@seattle.gov>
Sent: Thursday, December 05, 2013 10:25 AM
To: Jamela Debelak; Doug Klunder
Subject: RE: Booking Photo Comparison Software

Wonderful – thank you for your quick response. I will send out a meeting request shortly.
Thank you,
Elizabeth

Kind Regards,
Elizabeth Scott

From: Jamela Debelak [mailto:jdebelak@aclu-wa.org]
Sent: Thursday, December 05, 2013 10:16 AM
To: Scott, Elizabeth; Doug Klunder
Subject: RE: Booking Photo Comparison Software

Elizabeth –

We could meet at 2pm on December 17th if that works.

Thanks,
Jamela

From: Scott, Elizabeth [<mailto:Elizabeth.Scott@seattle.gov>]
Sent: Wednesday, December 04, 2013 3:10 PM
To: Jamela Debelak; Doug Klunder
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Jamela Debelak

From: Leavell, Ron <Ron.Leavell@seattle.gov>
Sent: Thursday, December 19, 2013 4:12 PM
To: Doug Klunder; Jamela Debelak
Cc: Jennifer Shaw
Subject: Meeting

Jamela and Doug, it was a pleasure to meet with you and discuss our mutual goals. Now, that homeland security is again one of the areas I am working on, this might not be only issue we need to discuss. If you ever have any questions or believe I may be of assistance to you, please don't hesitate to contact me.

Merry Christmas and Happy Holidays.

Ron

Captain Ron Leavell

Homeland Security and Metro Special Response Section
Seattle Police Department
PO Box 34986
610 5th Avenue
Seattle, WA 98124-4986

206-684-9239

Jamela Debelak

From: Mount, Mark <Mark.Mount@seattle.gov>
Sent: Monday, January 13, 2014 7:51 AM
To: Jamela Debelak
Cc: Best, Carmen; Leavell, Ron; Doss, Greg; Socci, Angela; Miller, Karim
Subject: Policy
Attachments: Suggested BPCS Draft.docx

Good morning Jamela,

Attached is the re-write of the policy subsequent to our meeting with you and Doug. Please take a look at it and let me know if we have addressed the issues raised adequately.

Thank you,

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Seattle Police Manual

12.045– Booking Photo Comparison Software

Effective Date: TBD

12.045-POL

This policy applies to the usage of Booking Photo Comparison Software (BPCS) for biometrics processing. The intent is to regulate the use of this technology to allow for legitimate law enforcement purposes while protecting privacy.

1. Scope

- a. The scope of this policy and the BPCS system is limited to the comparison of unidentified images to booking photos.
- b. Only personnel who have completed a Department authorized training course may access the BPCS system to conduct a comparison
- c. Any agency requesting SPD assistance with an investigation must satisfy all criteria in this Manual section in order to use the BPCS system

2. Use

- a. The use of the BPCS is limited to legitimate law enforcement purposes. Those purposes include the following:
 - i. Attempting to identify an unidentified person whom an officer reasonably suspects may be involved in criminal activity.
 - ii. Attempting to identify a victim of a crime.
 - iii. Attempting to identify a potential witness whom the officer reasonably believes may have relevant information regarding the criminal activity.
- b. Department personnel are expressly prohibited from using the BPCS in an attempt to identify individuals for identification purposes only who do not meet the above criteria.
- c. The BPCS may not be used to connect with “live” camera feed systems as they don’t meet the above limiting criteria of 2 (a).

3. Audit

- a. The Department will maintain a log that includes the following:
 - i. Date and person conducting the comparison
 - ii. Person requesting the comparison
 - iii. Sufficient description for a reviewer to conclude that the request meets the criteria in 2(a), e.g., "bank surveillance camera captured photo of robbery suspect," or "ATM camera captured potential witness to homicide."
- b. BPCS data will be retained for a minimum of 42 months, and will be initially audited six months after implementation and then annually by the Audit, Policy and Research section for compliance with this policy.

Jamela Debelak

From: Mount, Mark <Mark.Mount@seattle.gov>
Sent: Tuesday, January 14, 2014 2:18 PM
To: Doug Klunder
Cc: Best, Carmen; Leavell, Ron; Doss, Greg; Socci, Angela; Miller, Karim
Subject: FW: Policy

Good afternoon Doug,

I just called Jamela and was informed that she was on leave. I would appreciate it if you could take a look at the attached re-write of the policy and let me know if the issues raised in our meeting have been adequately addressed.

Thank you,

Mark

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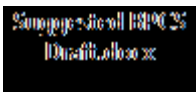
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Jamela Debelak

From: Doug Klunder
Sent: Thursday, January 16, 2014 4:53 PM
To: Mount, Mark
Subject: RE: Policy

I apologize for my delayed response on this. I'm trying to get the opinion of one other person in the office, but I just learned that she is going to be out of town until Tuesday. I hope that waiting until then is OK.

Thank you.

Doug Klunder
ACLU-WA Privacy Counsel

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Jamela Debelak

From: Doug Klunder
Sent: Tuesday, January 21, 2014 5:00 PM
To: Mount, Mark
Subject: RE: Policy

I've now had a chance to discuss this with others here. We very much appreciate the clarity of the new draft; it is much cleaner and easier to understand. Regrettably, we remain concerned with section 2.a. We believe that BPCS should be limited to identifying potential suspects, not victims and witnesses. I fear this may be a fundamental disagreement between our organizations. We are concerned about people being thrust into the middle of criminal investigations against their will simply because they were at, or near, the scene of a crime. Certainly that happens in some cases already, and in some cases that is both valuable and necessary. As we discussed at the meeting, however, there is currently an inherent balance between the seriousness of an offense and the amount of effort that is expended to identify witnesses/victims. As a result, unwilling witnesses are only tracked down in more serious cases and when the witness is likely to have crucial information; those are the situations when officers will currently choose to go through the considerable effort to do a manual examination of booking photos. And those are also the cases where the societal value in finding witnesses is high. With the greater efficiency of BPCS, we fear that identifying unwilling witnesses will instead become a routine practice, including in cases where the societal value of gaining a witness may be less than the personal value to that person in staying uninvolved. Accordingly, we believe the policy should limit use of BPCS to identifying only suspects.

Thank you.

Doug Klunder
ACLU-WA Privacy Counsel

From: Mount, Mark [<mailto:Mark.Mount@seattle.gov>]
Sent: Friday, January 17, 2014 7:25 AM
To: Doug Klunder
Subject: RE: Policy

Doug,

Thanks for letting me know. I will look forward to hearing from you next week. Enjoy your weekend.

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Jamela Debelak

From: Mount, Mark <Mark.Mount@seattle.gov>
Sent: Wednesday, January 22, 2014 7:14 AM
To: Doug Klunder
Subject: RE: Policy

Doug,

Thank you for taking the time to look at the draft and provide additional clarity.

Mark

From: Doug Klunder [<mailto:klunder@aclu-wa.org>]
Sent: Tuesday, January 21, 2014 5:00 PM
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1. Usage of BPCS is Limited to the Comparison of Unidentified Images to Booking Photos

BPCS may only be used in an attempt to identify a person whom an officer reasonably suspects may be involved in criminal activity.

2. Only Department-Trained Photo Unit Personnel Will Use BPCS

3. Any Agency Requesting SPD Assistance with an Investigation Must Satisfy all Criteria in this Manual Section

4. BPCS may Not be Used to Connect with 'Live' Camera Systems

5. The Photo Unit Maintains BPCS Statistics and Data

All data governing the usage of this system is retained for a period of 42 months. See 12.045-PRO-2

6. No Personnel may use BPCS to Identify Individuals for Identification Purposes who do not Meet the Listed Criteria

Seattle Police Manual

12.045-PRO-1 Procedures for Using BPCS to Identify a Possible Suspect

The Officer/Detective:

1. **Establishes** a reasonable suspicion that there is a suspect involved in criminal activity
2. **Contacts** the SPD Photo Unit with the GO Number, if applicable
3. **Presents** the captured image of a possible suspect to Photo Unit personnel

Photo Unit Personnel:

4. **Download** the image into BPCS
5. Using the software, **compare** this captured image to those stored in a booking photo database
6. **Present** the images of any possible suspect(s) to the investigating officer/detective
7. **Retain** certain BPCS data

See 12.045-PRO-2

The Officer/Detective:

8. **Uses** the possible suspect image(s) to further an investigation

Seattle Police Manual

12.045-PRO-2 Procedures for Retention and Auditing of BPCS Data

Photo Unit Personnel:

1. **Retain** all data associated with BPCS for a period of 42 months
2. **Maintain** a log at the BPCS workstation which records the following information:
 - Date of inquiry
 - Name of operator making inquiry
 - Name of officer requesting inquiry
 - Description of incident that satisfies all the criteria in this manual section
 - GO Number, if applicable

APRS Personnel:

3. **Audit** all usage of BPCS on an annual basis

Jamela Debelak

From: Tang, Vinh <Vinh.Tang@seattle.gov>
Sent: Monday, February 10, 2014 2:29 PM
To: Doug Klunder
Subject: C.B. 117996 - UASI Legislation (Booking Photo Comparison)

Hi Doug,

By way of this email, I wanted to confirm the Public Safety, Civil Rights, and Technology committee will vote on [CB 117996](#) at the **Wednesday 2/19/14, 2pm** meeting. The legislation was discussed at last week's committee on 2/05/14. The ACLU, Seattle Human Rights Commission, and other community members have been part of the public process in developing the policy document for the Booking Photo Comparison Software (project #9 on the approved projects from the grant). Bottom line: the Booking Photo Comparison Software system will only be used for suspects; the software system will not be used on victims and witnesses.

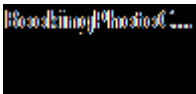
Please let me know if the ACLU has any additional concerns with the legislation and the Booking Photo Comparison Software policy document. Please let me know if you have any questions. Thank you.

The Full Council will vote on [CB 117996](#) on **Monday, 2/24, 2pm**.

Booking Photo Comparison Software Policy (document is also attached):
http://clerk.seattle.gov/public/meetingrecords/2014/pscr20140205_8a.pdf

Fiscal Note to Council Bill No. 117996:
<http://clerk.seattle.gov/~public/fnote/117996.pdf>

Vinh Tang
Legislative Assistant
Seattle City Councilmember Bruce Harrell
206-684-8804



Jamela Debelak

From: Tang, Vinh <Vinh.Tang@seattle.gov>
Sent: Friday, February 14, 2014 3:25 PM
To: Doug Klunder
Cc: Samuels, Jennifer
Subject: RE: Booking Photo Comparison Software

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Sent: Friday, January 31, 2014 3:38 PM
To: 'klunder@aclu-wa.org'
Cc: Racca, Jeremy; Samuels, Jennifer
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From: Mount, Mark
Sent: Friday, January 31, 2014 7:52 AM
To: Socci, Angela
Subject: RE: Policy

From: Mount, Mark
Sent: Wednesday, January 22, 2014 7:14 AM
To: 'Doug Klunder'
Subject: RE: Policy

Doug,

Thank you for taking the time to look at the draft and provide additional clarity.

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From: Doug Klunder [<mailto:klunder@aclu-wa.org>]

Sent: Tuesday, January 21, 2014 5:00 PM

To: Mount, Mark

Subject: RE: Policy

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Thank you.

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ACLU-WA Privacy Counsel

From: Mount, Mark [<mailto:Mark.Mount@seattle.gov>]

Sent: Friday, January 17, 2014 7:25 AM

To: Doug Klunder

Subject: RE: Policy

Doug,

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From: Doug Klunder [<mailto:klunder@aclu-wa.org>]

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To: Doug Klunder
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Subject: RE: Booking Photo Comparison Software

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