July 9, 2019 Meeting - Seattle Community Technology Advisory Board

Topics covered included: Tech 4 Housing; Samaritan App Review; Government Tracking of Location Data; committee updates.

**This meeting was held:** July 9, 2019; 6:00-7:30 p.m., Seattle Municipal Tower, 700 Fifth Avenue, Room 2750

**Attending:**

**Board Members:** Steven Maheshwary, Mark DeLoura, Smriti Chandrashekar, Torgie Madison via phone, Charlotte Lunday, Rene Peters

**Public:** Sean McClellan, Harte Daniels, Maitreyee Joshi, Simone Porter, Catherine Vallejo, Ethan Goodman, Akshay Chalana, Noel Grant, Ann Summy via phone, Camille Malonzo via phone, Adam Owen via phone, Liz Gilbert

**Staff:** Tracye Cantrell, Alice Lawson, Seferiana Day, Cass Magnuski

**22 In Attendance**

**INTRODUCTIONS**

**Steven Maheshwary:**  Great! So moving on to the next item, we will -- I believe we have quorum -- so we will quickly vote to approve the agenda and the minutes. Does anyone want to make a motion to approve the July agenda?

**Charlotte Lunday:**   I move to approve the agenda.

**Steven Maheshwary:** Do we have a second?

**Smriti Chandrashekar:**   I second.

**Steven Maheshwary:** All in favor, please say, 'Aye.' Any nays? Motion passes. Do we have a motion to approve the June minutes?

**Torgie Madison:**  I so move.

**Mark DeLoura:**   I'll second it.

**Steven Maheshwary:** All in favor, please say, "Aye.' Any nays? June minutes are approved. Moving to our next item, we have our featured speaker here, Ethan Goodman from Tech 4 Housing. It's our privilege for you to be here. We'd love to learn more about what you are focused on and the Tech 4 Housing community overall.

**TECH 4 HOUSING**

**Ethan Goodman:**    Thanks for having me.  I run an organization called Tech 4 Housing. We organize the tech community to advocate for affordable, sustainable, and equitable cities. What we're trying to do is get the tech community and tech workers to be more engaged on issues of housing and homelessness.

I thought I'd talk just a little bit about my background and how I came to this work and how it informs what the organization does, and then I'll talk a little bit about our programmatic work and what we're actually up to this summer. I've been a software developer my whole life. I grew up in the Bay area, and came here in 2003 to go to UW. My entrance into housing-related stuff comes back in 2012, I believe, which coming from the Bay area, that was right when the latest round of the housing crisis in the Bay area was really getting fired up and we were seeing a lot of displacement, a lot of anger, just crazy, crazy rents and home prices. And one of the things we saw right in the midst of that was this tech executive down in the Bay--I think his name was Greg Goffman--wrote a Facebook post that went viral that was basically saying, "Us good citizens shouldn't have to be seeing homeless people. They should be shipped off somewhere." Something awful and horrible and got media attention for like, "This is what tech thinks of the rest of us." So I and a number of other people were working out of the Impact Hub at the time. It was really frustrating because this wasn't the first time that that sort of thing had happened--that one person had said something awful and that became sort of the narrative from the tech industry. And what we saw was happening was that in the absence of any organized constructive voice about the housing crisis, there was just this void that random asses would fill as the voice of the tech industry. So, we set out to change that, to get the people who actually care and were engaged and understood the equity issues involved to engage in a constructive way and make their voices heard. So that's how I came to this work.

We've been a formal organization for about three years, and we have programs in a number of areas, starting at the most foundational level. We do a lot of education and events. One example of that is next week, we're doing an event with some partner organizations called the Housing Voters Forum. That's going to bring out five different experts on various aspects of chronic homelessness, to talk really on the context of the Seattle City Council elections about the issues, and to say there's lots of rhetoric from candidates on all sides, what do the actual experts on these issues have to say? How can you, as a voter, become more informed about actual best practices and what the data shows. How to become a knowledgeable voter specifically on the issue of chronic homelessness. That's the sort of event we do. Trying  to build understanding of housing issues within the tech community, trying to build up empathy, and trying to elevate concerns of the broader community to be taken seriously within the tech community. So that's our education component. I should say almost all of the events we do in education is try to bring tech together with non-tech audiences. Very little of what we do is 15 tech people around a table, but it's trying to bring tech into the broader community. So, we do a lot of education. We do a lot of events. We organize volunteering of all different sorts. So that's one way a lot of people in the tech world want to get engaged, especially when they first come to these issues . One of the first things a lot of people say is, "What can I do? How can I help? Who can use these skills?" And so we do volunteering of all sorts, from going to Mary's Place and preparing meals, which is a very hands-on, face to face kind of thing. Lately, just once or twice, we've gone to Mary's Place's computer lab to do technology training. And then we do more skilled volunteering on a case by case basis when there are nonprofits, housing providers, service providers who have very specific technical needs, like maybe they'll need a sales force admin to implement something. We'll try and go into the tech community and find somebody with that specific skill set that the nonprofit needs.

We also organize philanthropy and impact investing. That's one of our biggest projects this year. It was just announced a couple of weeks ago. And actually, I think, Bellwether was here last month, so I won't go into too much detail about that. But we were early partners in conceiving Bellwether's Building Opportunity Campaign, and we're partners in marketing ad promoting that campaign to the tech industry. And what that does is, it's a crowd funded impact investment that lets anyone--regular people who aren't regular investors--invest money in local housing projects. So, if you had $1,000 sitting in a savings account that you don't think you're going to touch for a while, you could leave it with Bellwether Housing to make good use of it building affordable housing in your community. So we're really happy about that project

Lastly, a lot of what we do -- all of this kind of leads ultimately to advocacy work. So we approached these problems of the housing crisis broadly, and homelessness in particular, as being really systemic problems that are caused by a whole number of policy failures that have been going on for a long, long time. A lot of what we're trying to build up to is educating the tech community about the policy roots of the housing crisis, and then what they can do to help better that situation and how they can make their voices heard with elected officials and other people in power, to say that tech really does want to move forward on solutions to these issues. Those sorts of policy questions fall roughly into three buckets. Our web site, I should say, is http://tech4housing.org and you can find our policy platform on our web site. You can find a little bit more about our volunteering there. You can find our events calendar there. But our policy work generally falls into the buckets of efforts to protect vulnerable communities--a good example of that was eviction reform that passed in Olympia this year. It had been prior to just a few months ago, that landlords could start eviction proceedings against tenants after just three days of late rent, which was an incredibly short period of time to start eviction proceedings. We worked with a number of other groups advocating on this and got that extended to 14 days, which is still modest, but a world of difference from three days. So protecting vulnerable communities. Investing in affordability is the second plank in our platform, which really means we need the money, public and private, to build affordable housing, and to build permanent supportive housing for chronically homeless populations. So we work both at the City level through things like the Mandatory Housing Affordability program that has been about four years in the making and just passed this March. To get more City level funding for affordable housing, we've lobbied at the County level for things like the lodging tax, which now has over $100 million in the lodging tax going to affordable housing, and then we advocate at the state level, as well, where a lot of our affordable housing money comes from. This year, the big item is the Housing Trust Fund, which is our main state-level source of money for affordable housing. And, again, working with a large collection of much bigger groups than ours, that was increased from $100 million to $175 million. So, a $75 million increase is just fantastic.

And then, lastly, on our policy platform, we talk about wonky issues of land use and zoning, and how the City determines what can be built where, and how that often tends to serve to make neighborhoods more exclusive and more expensive, when the goal is to do just the opposite.

So, that's what we do. If you want to get involved, we are open to anybody who cares to join. Some of our members are software developers. Some of our members are students. Some people just actually have a spouse in the tech industry and so feel a personal connection to this. We welcome your involvement. There are a number of ways to get engaged, whether it's through volunteering, whether it's through impact investment, whether it is writing to a City Council member or elected official. We do have a meeting tomorrow night that's sort of a working meeting. We'll be talking about our upcoming actions in the next month and planning for that, reviewing what we did in the month prior. That's on our web site. Again, http://tech4housing.org/calendar. You can find that. Coming out to that is a great way to get involved. Following us on Facebook or Twitter is a great way to see about upcoming events or calls to  action. I'm happy to answer questions.

**Steven Maheshwary:** I have a quick question. Are there any sort of high level policy position that you think you'd want to advocate for, considering our City Council elections this year, that we should be thinking about?

**Ethan Goodman:**   Yes. Legislation works on calendars, for the most part. And the funny thing about 2019 is that the calendars are mostly over. State legislature is out of session. City Council passed a lot of meaningful reform in the first six months. They really had a front-loaded docket. There are two things coming up for the rest of the year that I am aware of at the City of Seattle level. There's the budget, which I don't know details about what's going to be in it or what the different issues are, but I can guarantee that there will be housing-related discussions around the budget and other related discussions in budget season, which stretches through October/November, the primary months for advocacy. Keep that on your radar. The other is a program called the Multi-Family Tax Exemption (MFTE), and that's one of the primary ways we get middle income housing that's not deeply affordable housing, but it's what is sometimes referred to as workforce housing. The sort of thing that nurses and firefighters can afford. That program needs to be renewed every so often, and this year is the year it's coming up for renewal. And they'll be tweaking various parameters of that program. Exactly what are the income levels? Exactly what is the subsidy amount? Again, we don't know the exact format that discussion will take, but there is certainly going to be all sorts of pushing back and forth on what are exactly the parameters of this program going forward. Those are the two remaining issues.

**Charlotte Lunday:**   Are you familiar at all with the Anand Giridharadas book?   Do you have any responses to it? A summary might be good.

**Ethan Goodman:**   Yes. His book, it's called *Winners Take All,* and he has been on an interview tear. Just like every week, he is doing an an hour-long interview somewhere. I highly recommend just hearing him speak anywhere. You Google his name and you can probably find a dozen different times he's talked. It's easier to listen to him for 30 minutes than to read his book. He gets his message across. It's basically saying that philanthropy, generally, has been very good at picking out times where they can improve outcomes for the target populations without challenging essential power structures. So, they're good at being helpful, but only helpful to the extent that there is no fundamental attack on the powers that be, and they are.

**Charlotte Lunday:**   Yes. They tend to have underlying incentives which perpetuate the problems that they direct the philanthropy towards, so that there is no incentive to completely solve the problem.

**Ethan Goodman:**   Yes. He takes examples of back in the day, 100 years ago, coal and petroleum and steel formed the basis of all of these Rockefeller and Carnegie foundations, where they get a lot through their business lives and then turn around and try and buy forgiveness. I think what I really liked about his work--and I don't disagree with any of it, really--is there is this notion that there are systemic issues that involve power structures, and often those are the most impactful areas to work on. And there is this fundamental challenge of how do you, if you need to get funding, from the people who have money and power, how do you get funding to change the power structures? So, I think it's a great critique.

**Charlotte Lunday:**   I think there's one of those examples--I don't know if it's actually in the book or just i one of his interviews--but he talked about Amazon and their funding of Mary's Place or other kinds of homelessness functions. But at the same time, maybe having contractor systems, or their warehouse employees, where they're not really paid livable wages and benefits that would keep them out of homelessness. I think that this seems like a really interesting program, because he talks a lot about class traitors. So people who have positions of power who will undermine it. In particular, he favors public systems versus nonprofits. So, I know that this is a nonprofit type of organization, but at the same time, it does sort of seem to underlie some of the class traitors' preferences, especially around policy changes. I was wondering how you think about that. Knowing that this discussion is in the tech realm, how do you think people should think about it, and think about your organization and what might be the end goals. Sorry. There's a lot there.

**Ethan Goodman:**   It's a big question. His book has gained a lot of funders and accommodations. But I think in the context of the average tech worker and how they should think about it--I talked about we do organized volunteering, we do organize philanthropy and impact investing, but the way I personally conceive of those things is that it's nice to go to Mary's Place and volunteer. It's a good thing. But what I'm really interested in, in my view as an organization, is to build understanding among the people who are doing the volunteering. That through volunteering or through impact investment or philanthropy, it brings you closer to the issue and it helps you see what's going on, and helps you build empathy. And my hope is that there are a lot of people for whom saying, 'We're not ready to shout that we need progressive revenue at the state level to massively fund affordable housing." But there are a lot of people ready to say, "I'd like to go down to Mary's Place and cook a meal."  And I think there is a path from one to the other for some people. So I view a lot of the work we do as entry points to get better understanding of the issues and the realities, and a lot of people come to the conclusion that it was nice to volunteer; we helped some people. But there are some real systemic problems here that no amount of volunteering is going to help and there are real systemic problems that no amount of philanthropy is going to help. Another $5 million to build one more shelter is good, but that doesn't solve homelessness.

**Charlotte Lunday:**   Thank you for fielding that.

**Steven Maheshwary:** I don't think we're going to have time for more questions because we are running overtime here on the agenda. But I would like to say thanks to Ethan for coming here to talk a little bit about the organization and ways to engage. So if there are other links and stuff that you can send out as part of our minutes, let me know. I think we can just send out the web site, too.

**Ethan Goodman:**   Yes, the web site, and if you write, email to contact@tech4housing.org that goes to me.  Most anything you find on there goes to me.

**Steven Maheshwary:** Thank you, Ethan.

**Ethan Goodman:**   Thanks for having me.

**Steven Maheshwary:** It's a nice segue into our next topic, the Samaritan App Review. As context, in the last few weeks.... First, I want to welcome Rene to his first CTAB meeting. You were appointed by City Council and confirmed very recently, so welcome as one of our first filled vacancies. We have three more left that are awaiting the Mayor's confirmation, and then we'll have a full board. I don't know if you want to say a few words?

**Rene Peters:**  No. Thanks for having me. As I said in the interview and in the confirmation hearing, it's just really exciting to know that a forum like this exists, where people can come and have their voices heard. It's a very interesting interaction between companies and representatives from all of these different organizations mixing with the ideas of the public. I'm just really excited about the work that's done here, from the very simple discussions on tech issues and access, tech literacy, all the way up to deciding about funding these very special organizations. So, I'll try not to mess up. Thanks for having me.

**Steven Maheshwary:** Awesome. Welcome! Great to have you. To segue from that, Rene, Torgie and myself were up for appointment and reappointment, so we took the opportunity to speak with Councilmember Bruce Harrell about some of the previous accomplishments and priorities for CTAB. He actually gave us one of the first direct requests from City Council, which was a letter of evaluation of Samaritan App. Specifically, what the app does is--and I don't know if Torgie might want to fill in some of the details here, but the app provides a technical framework for homeless people to receive donations and also be more connected to social services. His question or his concern is what are the risks of this platform, not only from the privacy perspective, but from multiple technical perspectives, including is there a risk for sex trafficking? Is there a risk for identity manipulation, and all sorts of other issues? It sounds like they are potentially considering this for some sort of investment as part of their budget, that Ethan was mentioning, in the back half of this year. What we're thinking about is providing a letter or a memo to City Council, providing a summary evaluation of the risks and benefits of the Samaritan App. That's something that I wanted to put out there to gauge interest, to see if that's something that people wanted to work on. I think Rene and Torgie have mentioned interest in doing that. I open it up to not just members of the board, but if there are members of the public that want to contribute, to reach out to myself, to Rene or to Torgie, and indicate your interest. The goal will be to ratify a letter of evaluation as a board in the coming months. Any questions or comments?

**SAMARITAN APP REVIEW**

**Torgie Madison:**    I think I'd like to provide a little bit of context on that. Samaritan did present at CTAB a few months ago. The idea is that those experiencing homelessness can receive a Beacon, which is an RFID that broadcasts a certain ID. Those who have that app o their phone can walk through an area and receive the signals and look at the personal life story of the person who owns Beacon. The specific interest on privacy is if that's appropriate, to be broadcasting personal information through the life story, and what are the cost/benefits of doing so. Because a lot of the contributions are not necessarily monetary, but goods, services, support, communication, conversation. One of the humanizing pieces of the Samaritan App is that it brings this element of these are people. They're not just something that ended up on the streets, and they deserve your respect and attention. That's an ostensible net benefit, but you also have to weigh the privacy concerns. Having that information basically broadcast from your person at all times, to anyone who has the app. One of the other pieces that I wanted to mention briefly is that Samaritan provides is that in order to have a Beacon, you would have to have a check-in to make sure that you are fulfilling the obligations....

**Charlotte Lunday:**  With a case worker?

**Torgie Madison:**    Yes, a check in just to make sure that you are in good faith on the app. So, that's one of the areas that you could potentially exploit for some sort  of advantage, that this person is broadcasting information and therefore [unintelligible]. At the City Council meeting, they also had a presentation on Beacon, and had a partisan discussion on whether or not this was exploitative or if it was a benefit. That's why Bruce Harrell asked us to weigh in on this issue, on this technology.

**Charlotte Lunday:**  I do have a couple of things that kid of go together with my one concern about a project like this. My understanding is that Samaritan works with current providers of services for homelessness. They will either give or these organizations will lease Beacons to hand out to people that they already work with. So, I'm wondering whether there are objectives that are being met. I would wonder if they were sent by and monitored by current caseworkers. It does seem odd to me -- and I think it's something that would be worth bringing up -- if it were Samaritan setting their own standards.. If we do this, I would like to put out there that the scope should be limited to technology issues, because there's a question of whether this is helpful in reducing homelessness, and things like that. I don't think we have the -- not that we couldn't find people to help us -- but I don't really think that that is the area of expertise that any of us bring to the table: whether we can answer that kind of question. So I would hope to see that the scope would be limited, and make sure that we are not overstepping our own knowledge area, about how effective this is in solving homelessness.

The other concern is that Samaritan is a private, for profit company. I think maybe a neutral evaluation of risks and benefits, again, associated more with the technology issues. I think that might be appropriate for us, but I think the full board should probably weigh in on whether it's appropriate for us to do anything that might seem like we're giving a thumbs up or thumbs down about whether the City should fund a private company, or engage in a contract with a company. For me, our charter doesn't really lay out specifics of what we're supposed to do, but I do think....

**Harte Daniels:**  Torgie, are they  for profit or are they a B Corp?

**Charlotte Lunday:**  A B Corp would still be a for profit company.

**Harte Daniels:**  I understand that.

**Torgie Madison:**    Samaritan is a C nonprofit, which is an issue, and I'm sure they're aware that that label is not written for them.

[Samaritan is a Delaware Public Benefit Corporation that earns revenue from licensing our hardware and software to groups seeking to better understand, reduce, and ultimately prevent situations of homelessness. -<https://medium.com/samaritan-journal/a-long-list-of-faq-3fef187df13f> ]

**Charlotte Lunday:**  So, they're not a nonprofit and they're also not a B Corp thing. They are incorporated in Delaware. I'm not 100 percent sure but I don't think that Delaware has a B Corp designation. B Corp, by the way, is a social purpose corporation that allows companies to say that they are purpose- or mission-driven, so that their responsibilities do not have to go only to maximizing shareholder profit, if they can make a case that that's something they do furthers their purpose or mission, but doesn't necessarily increase profit, they are protected from shareholder liability.

**Steven Maheshwary:** Yes, I would agree on your first point on the fact that we are purely evaluating it on the technical platform, and not providing a vote of support for the company overall, yea or nay. I think with respect of it being a private company, we don't have enough information on what the City is considering or evaluating with respect to them, so I think that the point of this topic is to see if people are interested in getting more information, and seeing this is worth providing an evaluation for it, just based on the City Council's interest, but even if I think it is a private company, I don't see it being that different from potentially evaluating a contract between WAVE and the City for franchise agreements, which we did weigh in on in the past. So I think that the pure fact that it is a private company doesn't necessarily deter me, but we should figure out what the City's plan is or what their hopes are with respect to the app before the board deciding.

**Charlotte Lunday:**  There is something about this. They don't necessarily have direct competitors. So we wouldn't have an issue with that. I guess my point of contention would be, or the point of concern that I would have is --and again I think that clarifying the scope with the City is paramount--is that if this is something that can pull money away from homelessness service providers, that's where -- again, I don't think we necessarily have the expertise among us to determine whether that would be a better investment in terms of solving the underlying issues....

**Mark DeLoura:**  We're also not getting asked that question.

**Charlotte Lunday:**  Yes, that's what I would want to make sure. Are they expecting us to give some sort of recommendation?

**Harte Daniels:**  To the point of limiting scope, when you come to the issue on privacy, Charlotte's point of limiting it to the technology and vulnerabilities and doing a Red on it is very valiant, and how you can transfer and mitigate that request is that the agencies that are doing the casework, etc., do have their own policies and procedures that are ensconced in the statement, etc., on their personal privacy. Also, the other sticky wicket is the question that a Councilmember brought up about exploitation, about having your personal information being put out there. Otherwise you don't receive this valuable money type thing. That you can punt toward. As I said, you can transfer that risk over to the state and others on that and limit your scope strictly to the Redhat and the technical testing. and vulnerabilities.

**Torgie Madison:**   It seems to be really important to reach out to Samaritan and find out if they are providing in-house care visits, and using the same facilities and staff and if those resources are available to the City. [unintelligible]

**Harte Daniels:**  Actually, Akshay Chalana worked on LiveSafe during his internship. He might be able to answer your question.

**Akshay Chalana:**   As of three years ago when I was working there, all of the caseworkers went through [unintelligible].

**Harte Daniels:**  Oh! Yes, but are they like DSHS and have to abide by the state protocols?

**Akshay Chalana:**   [unintelligible]  Yes.

**Harte Daniels:**  I still think for the board's sake, to mitigate that risk that you transfer that risk and stay focused on the technical testing. It's my suggestion.

**Torgie Madison:**   I do think we should limit this to the device, itself, and the autonomy one would have in turning off the device.

**Steven Maheshwary:** Yes, and I don't think this was intended to be a full evaluation now of the platform, but just a measure of who is interested and whether this is potentially within scope for our board. But I think we have had that discussion. So we can take it offline to figure out next steps, including reaching out to Bruce Harrell, and reaching out to Samaritan to get more information, and we can determine based on the people who are interested. So please do reach out to any of the three of us and we can move forward from there.

**Rene Peters:**  As a note, I know it's been a couple of months at least since Samaritan was here, but Vice News just published a six-minute long video story about Samaritan where they interview some of the users of the medallion and they get some of their perspective. It answers a couple of the questions I think that Charlotte was bringing up. To my knowledge, based on what I saw in the video, the caseworker only becomes involved when the transaction goes outside of one of those pre-established partners. So if you want to go outside of those partners, you need to get approval from a caseworker. And then, as far as outcomes, as we were saying, it seems like Samaritan doesn't have the expertise to truly measure outcomes. They cite this statistic that 25 percent of the people who have used the app have come to some sort of life changing outcome, whether it be more stable housing, or employment, but when they were pressed on whether Samaritan is the cause of these outcomes, they deferred back to the organizations that are actually giving care to the homeless population.

**Steven Maheshwary:** Okay. Given that we are a little bit out of time here, we can move straight to a break. We will reconvene at 6:58. In the meantime, please help yourself to pizza and salad.

**BREAK**

**Steven Maheshwary:** Let's get started here. We only have two other topics that we will cover. We can potentially get out by 7:30, but that depends on how long this break goes. Charlotte, can I throw it over to you?

**GOVERNMENT TRACKING OF LOCATION DATA**

**Charlotte Lunday:**  Yes, sure! So I want to talk to everyone today about murder. I thought that would be an  interesting place to start. To back up a little bit, though, so I think everyone is familiar with the Surveillance Ordinance. The City of Seattle passed an ordinance that requires a review of all of the technology they use, and any technology that they newly lease or purchase. So, a couple of months ago, I went to a committee meeting at City Hall about the first round of technology reviews, which covered a couple of technology that the Seattle Department of Transportation uses. I know that for the second round of technologies the City reviewed, CTAB submitted a comment on, thanks to the Privacy Committee. This first one, we didn't submit anything. I think they got started a little late, and so we were not able to organize a comment, but at that meeting, President Bruce Harrell had posed a question about tracking location data, and whether it was constitutionally permissible, and whether there was a right to privacy or an expectation of privacy in it. And the federal government and the state government has disagreed a little bit about that, mostly because the state has more expansive privacy rights. At the federal level, you don't have an explicit right to privacy. Privacy rights generally extend under the Fourth Amendment, which is really a right to be free of unreasonable searches and seizures by the government, primarily in the criminal context. In contrast, the Washington State Constitution gives us a privacy right. So, there's not supposed to be any invasion of our right to privacy. Interestingly enough, the United States Supreme Court decided pretty recently that using cell site location information in a criminal investigation, you need to obtain a warrant. This was because cell site location information allows government officials to collect an expansive historical view of not just where you are in public, but also when you enter private spaces. So you can infer a lot about somebody by where they go. You can kind of tell whether they're having a romantic relationship with somebody, or who it is they have intimate relationships with in some capacity. You can tell things about their religion if they attend a place of worship, schooling, that kind of thing.

The Division One Court of Appeals in Washington State, which is the State Court level that covers Seattle and some surrounding areas released an additional opinion that short of expands on that, and this is where the murder comes in. An interesting thing to know about Washington courts is that if one Court of Appeals makes a decision, it's binding on all of the lower courts, the trial court levels across the entire state. A trial court in Spokane has to abide by our Court of Appeals decisions. So, I've got this Court of Appeals decision that was published eight days ago. It's State of Washington v. William Phillip Jr.  This involves a situation in which a person from Oregon was tried for committing murder in Auburn. What happened in that case was (he was convicted) he dated a woman for a little bit. They broke up, and it's alleged that he killed her new boyfriend. And when the police were investigating this they used the fact that he had had some flirtatious messages with the woman and had called her new boyfriend "an unhot old man." That was the phrase, the basis of requesting a warrant to get his cell site location information. This went up to the Court of Appeals and they said there was nothing in the affidavit that underlies the warrant that shows that the location data that they requested would have been pertinent to the case. What they said was that 1) you are required to have a warrant, which was an issue in the case because they later sought a subpoena, which is a lower standard, you are required to have a warrant based on probably cause to obtain this information, and that when you request it, you have to provide enough specific facts to the judge approving the warrant that shows that you would likely find some incriminating information. And the specific facts you have to allege must have some connection to the exact data that you are seeking. So in this case, what they were able to find later was the man in Oregon who was convicted of the murder did not own a car. On the days of the murder, his mom said that he had borrowed her car. So he had access to a vehicle to come up here. There was blood inside the car, and they also found DNA that matched him at the crime scene. Had those facts been put into the affidavit to support the warrant, likely that would show that he had gone from point A to point B, and the cell site location information can help prove that he did. However, they didn't do that. They just said he called this guy 'an unhot old man,' he obviously liked the deceased man's girlfriend. But there was no indication from there that he should have been a suspect, or that it would have been likely that they would have found incriminating information. And there's also no indication from that information that his location data would be relevant.

The reason that I bring this up today is because our courts have said, not only do you have a right to privacy in your location data, but because Washington goes beyond the federal courts, what would be interesting to me is that the next round of Surveillance Ordinance deals with police technologies. So, keeping in mind that anything that can track information might, particularly when in use in policing, might trigger a heightened burden before police officers can use the technologies. Keeping that in mind would be important. But also, I think it might be worthwhile going forward, potentially revisiting the past, what is not clear to me is where administrative agencies for truly administrative purposes, where they might be restricted from obtaining data about where somebody is in public, particularly if you can track it over time. Because I think that's a real issue. If you can get a consistent view over a long term about where somebody goes. One of the technologies reviewed in the first round was license plate readers. It helps the Department of Transportation come up with estimates for how long it would take people to drive in particular areas. But the state actually holds the images of the license plate readers. Seattle doesn't get that particular information. They only get the composite data. But that might be something that is drawn into question by this opinion. If you have a right to privacy where your particular movements are considered. So, I wanted to bring this up and flag this for anybody who is working on the Surveillance Ordinance. I can probably make copies of this or send links to it. But I think that this is relevant or might be relevant to review of technologies going forward. Maybe we dig in a little deeper to find out where this extends beyond the criminal realm. I apologize. That wasn't exactly the most eloquent way of wording it, but if I can answer any questions. I also have it with me, if anyone wanted to look over it.

**Harte Daniels:**   So, I'm a little confused. I need some clarification. You started out very specific about law enforcement officials, administration, courts, maybe the City attorneys, but all in the legal realm, and then put in things about with the license plates reader reintroduced the issue. One was cell site and one was license plate reader about peoples' movement that was used for data collection for planning purposes, like Seattle's Department of Planning. So if you can determine the scope. I just wanted to remind Torgie that I sent him a note on a resource on two people, one at the University of Washington, and one at UC Berkeley, on how planning groups for the metropolitan areas where their services and other things did use cell information, but everybody brought up this question of privacy and the two resources that I sent you, Torgie, so that they would be more than happy to explain how that was protected. I also, as an aside, one of them was doing transportation mobility of citizens or people inside London, and he used many different kinds of technology that the City of Seattle, etc., might consider. That's an aside. But both he and the gentleman from the University of Washington or at least the one from Berkeley said that they would be willing to answer questions on privacy regarding collecting cell phone tower data for research and planning purposes. I hope that was clear. What Charlotte started out presenting was a criminal case, and also referred to a research case, so just restating that I sent you some resources on the research case for privacy with cell phone towers.

**Charlotte Lunday:**  What I'm trying to say, and I apologize for not being super clear, is this is a criminal case, but it has potential applications outside of the criminal realm. The big take-away is that the Court of Appeals concluded under state law that you have an expectation of privacy in your location information. This specifically dealt with cell site location information, but that doesn't necessarily limit its application. If you can get a picture of somebody's movements, particularly over time, such that you can infer things about maybe their speech or private relationships, things like that, then that's a potential problem and the state shouldn't intrude. I'm flagging it more because in the past, it's been kind of understood that you don't have an expectation of privacy in the public. In fact, Seattle police officers frequently use body-worn cameras. To take images of you when you're interacting with them on a public sidewalk or something, they're perfectly permitted to do that. But that's, I think, a completely different issue than being able to track your movements over time. You see a police officer who maybe works a beat in a particular neighborhood, who sees you every day in that neighborhood, you can get an idea of this person's movements at this time consistently.

**Steven Maheshwary:** Just in the interests of time, maybe we want to take the rest of this discussion offline. If there are other public comments on this topic, we can take that after the meeting. Or if we want to provide contact details for that? I'd just like to jump to our next section, Committee Updates. Maitreyee, I don't know if you have an update for Smart Cities?

**COMMITTEE UPDATES**

**SMART CITIES**

**Rene Peters:**  I'll do it. So, we have Smart Cities working on two work streams, currently. One is focused on AI and IOT  infrastructure, and the other is focused on the future of policing, as well as facial recognition technology. Among those two work streams, we're developing materials and literature to present at a future date. Currently, with the AI and IOT management work stream, we have our focus areas well defined, such as sidewalk issues of public/private partnership. etc., public trust, and things like 5G and how that would change [unintelligible].... At the next meeting, we're aiming to have a list of pros and cons on these different focus areas, so that we can zero in on those hidden pieces. We have been lucky enough to have some experts show up in the room. At the next meeting, we're going to have an actual 5G expert in the house. So, very exciting stuff happening. And on the predictive policing literature that we're working on, we have a very well-defined research base as well as focus areas. And we're sort of nearing the phase where we're thinking about what an initial draft might look like. So, the next meeting is going to be focused on selecting which are going to be the key sections to build out, and which sections will be more descriptive in nature. So, at the next meeting, we'll sort of be doing that down select as far as going into this drafting phase. So, the next meeting is going to be on the 16th, from 6:00 to 7:00. For the past couple of months, we were fortunate enough to have this awesome space, but right now, our location is TBD. We're thinking it might be at the Victrola Coffee House, but stay tuned. The email is smartctab@gmail.com, if you have any questions or want to stay in the loop, because we will get more details closer to the date.

**Steven Maheshwary:** Why was the meeting moved?

**Rene Peters:**  Most of those meeting venues, as far as we've seen, close at 6:00 p.m. So the time frame is an issue for us. We want to get people coming back from work. We are always open to suggestions, so as I said, the location is TBD and definitely reach out with any suggestions.

The other thing I wanted to touch on is that we're also, as we sort of have more well-defined research and literature, we're always looking for more eyes. So we are doing an outreach initiative, Maitreyee and I, and talked to Open Seattle as a possible forum from which to recruit and get new eyes on this. But if anyone else is interested, or have any suggestions of folks that we could make contact with, we're always looking for more participation.

**Steven Maheshwary:** Networks have come and presented at CTAB. Awesome! Thanks, Rene. Is there a representative from the Digital Equity Committee, John or Karia on the line, or anyone else who is part of the committee that can give an update? No? All right. Moving on to Privacy. Torgie or Smriti, do any of you have an update?

**PRIVACY COMMITTEE**

**Torgie Madison:**   Yes, I have a few things to share. At the outset, we do not have a new group of technologies to review. So, we are focused on a panel discussion, so I sent out an email and received a few pretty promising replies about potential speakers. As you know, we've been working with Kreg Hasegawa in securing a Seattle Public Library location to host the panel discussion. So, we're moving forward on that, and it looks like we're probably going to meet on September 24, 6:00-7:30 p.m. It's the Privacy Committee panel discussion on [unintelligible]....

**Steven Maheshwary:** Okay. Anything else, Torgie?

**Torgie Madison:**   I don't have anything? Smriti might have something.

**Steven Maheshwary:** Let's connect on the event to make sure we can promote it well ahead of time to make sure that people have time to make plans to come to the meeting and that we have broad reach across the rest of Seattle.

**Torgie Madison:**   I do have one more thing. Sorry to jump back in. At the next Privacy meeting we're going to be discussing conversation topics, questions, and panelists and getting all that ironed out. It's on July 30, the last Tuesday of the month at the Fremont Public Library, from 6:00 to 7:30 p.m. [unintelligible]....

**Steven Maheshwary:** All right, we'll open it up for public comment. are there any announcements, thoughts, comments that people want to share.

**PUBLIC COMMENT**

**Harte Daniels:**   Tomorrow there's a conference I think at Carnegie Mellon and they also offer grand challenges. When you go to their web site, which I can send to you, you can see past years' papers, etc., and they're pretty egghead, they're techies, etc., dealing with a lot of the issues that you're talking about. For example, last year was homelessness [unintelligible] and they have the different solutions. Even if you can't travel to Washington, DC, you can look at past years and this year's. It's free in that regard.

**Steven Maheshwary:** Any other public comments? All right, with that, I believe we've had a couple of dates mentioned for meeting dates. I captured the next Privacy panel discussion will be September 24, 6:00-7:30 p.m. The next  Privacy subcommittee meeting will be July 30 at the Fremont Public Library, from 6:00-7:30 p.m.

**Torgie Madison:**   The panel discussion will be at the Central Library.

**Steven Maheshwary:** Okay. And the next Smart Cities meeting is on the 16th of July, from 7:00 p.m., with a location TBD. I think those are all of the announcements. With that, we will conclude the meeting.

**ADJOURNMENT 7:30**