COMMITTEE MEETING

~ MINUTES ~

Wednesday, January 22, 2020	**5:00 PM**	**Sullivan Chamber**

Called to Order at 5:06PM

Attendee Name	Present	Absent	Late	Arrived
Quinton Zondervan	☑	☐	☐	
Alanna Mallon	☑	☐	☐	
Jivan Sobrinho-Wheeler	☑	☐	☐	
Dennis J. Carlone	☐	☑	☐	
Marc C. McGovern	☐	☐	☑	5:10 PM

The Public Safety Committee will meet to discuss Annual Surveillance Report submitted by the City Manager to the City Council on December 9, 2019.

Councillor Quinton Zondervan 06:12
Welcome everyone. We're going get started in less than a moment.

Councillor Quinton Zondervan 06:30
Thank you.

Councillor Quinton Zondervan 06:38
Alright, so for committee members, we have some printouts of the full report. There is a smaller version for the public, but it's also available online for anyone who wants it. Councillor Nolan, did you need a copy of the report?

Councillor Quinton Zondervan 07:08
Great. Thanks. Alright, so, again, welcome. My name is Quinton Zondervan. I'm the chair of the Public Safety Committee, joined by my colleagues, Councillor Sobrinho-Wheeler, Councillor Nolan and Vice Mayor Mallon and we are here to discuss the... I believe the first ever surveillance, annual surveillance report from the city. It is quite hefty. So, we'll try to get through this as expediently as we can. Our goal today is to move the surveillance technology impact reports which are forward looking to the full Council for their consideration so that the departments can continue to do that work. And certainly, of my colleagues have concerns about any specific ones that warrant keeping them in committee, then that would be in order. But again, our goal is to send them forward unless we have really significant concerns, requiring them to stay in committee. And then we will, I will schedule a follow up meetings to go through the annual report, which is looking back at 2019 as well as the surveillance policy, which we don't need to decide on right away. And then, I've been told we will have another annual report in March. So that will be another opportunity for us to review the annual report as well as the surveillance technology reports. So, with that, I've asked the staff to prepare a presentation on the surveillance ordinance itself because it is quite complex, and we could all use a refresher. So, with that, I'll hand it over to the law department. Thank you. City Manager office excuse me.

Jennifer Matthews, Assistant to the City Manager 09:16
Thank you, Mr. Chair and through you to the rest of the committee. We really do appreciate the opportunity to present this information to the committee. We understand it's a very dense number of reports that are before you as well as the content of them. So, we thought it would be helpful to go through, at kind of a higher level, the ordinance itself and how it applies, a little bit of background and then discuss kind of the compliance process we've gone through today and how we anticipate this will work moving forward. I want to...

Councillor Quinton Zondervan 09:45
Sorry just one second. Just wanted to recognize Councillor McGovern and also if somebody could pass me a copy of the presentation so I don't have to crane my neck. Thank you.

Jennifer Matthews, Assistant to the City Manager 10:09
Thank you. So, we do want to thank you again for the opportunity to discuss this. We want to thank the ACLU for their continued work on this. I know, just on behalf of the city manager's office, we are truly committed to not just complying with the ordinance, but to continuing to refine our practices, continuing to make sure the reports are as robust and detailed as the committee and the council expect them to be and just working to further hone this process as we all go through it. It's been a really big learning experience for everyone. But we are very committed to not just the letter but also the spirit of this ordinance and what it is representing for the city. So, before we get into the specifics, the city solicitor is going to go through a little bit of the background of how the ordinance was adopted and the goals that it is fulfilling, and then a little bit more of what it covers. What it doesn't cover and how the compliance processes anticipated to go moving forward, as well as what we've done to date, and then some of the next steps that we anticipate both on the city level and then as you said, process wise for the committee what our recommendations would be. So, with that, I will turn it over to Nancy Glowa the city solicitor.

Vice Mayor Alanna Mallon 11:23
Point of information. Before, sorry to interrupt you Ms. Glowa. I'm wondering if we could go around the table and introduce who's... I mean I'm sure some of the folks that are attending here at the table, and I'm wondering if you could do some intro, if we could just introduce ourselves and what department you are from and if I know Kade Crockford is here from the ACLU but people might not know who's at the table.

Councillor Quinton Zondervan 11:46
Sure. Please do use the microphone. Thank you.

Paul Sheehan, Assistant Fire Chief 11:54
Paul Sheehan, Assistant Fire Chief.

Raymond Vaillancourt, Deputy Fire Chief 11:58
Ray Vaillancourt, Deputy Fire Chief of the EMS.

Kade Crockford of the ACLU 12:01
Good evening everyone. Kade Crockford ACLU.

Jennifer Matthews, Assistant to the City Manager 12:05
And Jennifer Matthews of the city manager's office.

Nancy Glowa, City Solicitor   12:08
Nancy Glowa, City Solicitor.

Walter Heffernan, Assistant Director of Public Safety IT   12:12
Walter Heffernan with public safety IT.

Branville Bard, Police Commissioner   12:15
Branville Bard Police Commissioner.

James Mulcahy, Legal Advisor with the Police Department.   12:18
James Mulcahy, legal advisor with the police department.

Councillor Quinton Zondervan   12:22
Thank you.

Nancy Glowa, City Solicitor   12:31
Thank you, Mr. Chairs through you, as Jennifer mentioned, I'm going to go over some of the background and goals of the ordinance, and then go through a little bit more detail of what we're doing here today, process wise. So, just wanted to remind people as you can see on the slide presentation, the ordinance was adopted just over a year ago on December 10, 2018. After extensive work between the council, the ACLU, Cambridge residents and staff. It went into effect by its terms on September 10, 2019, nine months after its ordination. And essentially it regulates surveillance technology and surveillance data throughout the city and the city's operations. So, the primary goals include the balancing the right to privacy with public safety and security, increasing transparency of city government, informing the public discussion on surveillance technology so that people are aware of what we're doing with surveillance in the city and analyzing potential disproportionate impact on marginalized groups or individuals within the city. So within the ordinance, some of the key terms that have been defined are surveillance technology, which is defined as any electronic surveillance device hardware or software capable of collecting capturing, recording, retaining, processing, intercepting, analyzing, monitoring, or sharing audio, visual, digital location, thermal, biometric or similar information specifically associated with or capable of being associated with any identifiable individual or group. So, as you can see from that description, it's fairly broad in terms of what it encompasses.

Nancy Glowa, City Solicitor   14:26
Surveillance data is defined as any electronic data collected, captured, recorded, retained, processed, intercepted or analyzed by surveillance technology acquired by the city or operated at the direction of the city. And individual... identifiable individuals are defined as an individual whose identity can be revealed by data, including surveillance data, or revealed by data when it is analyzed and or combined with any record. So the key terms and concepts that are set forth in the ordinance are that it sort of clarifies that surveillance technology generates and or utilizes surveillance data, which can be linked to identified individuals and when that occurs, that is covered within the scope of the ordinance as something that we in the City of Cambridge want to regulate. So, all surveillance technologies going that are in use by or intending intended to be used by the city must first be approved by the City Council. With a few limited exceptions. One is if it is acquired or used by the police department, in exigent circumstances. reporting on surveillance technology acquired in exigent circumstances, is required within 90 days following the end of the exigent circumstance unless, if the police commissioner were to come to the city council and asked for an extension, the council could grant an extension otherwise it has to be reported on within 90 days after its use. In addition, all surveillance technology is reported to the council in a yearly in an annual surveillance report. And the ordinance required the first such

annual report to be submitted to the council by December 10... 9of 2019, which is one of the documents that you have in front of you that we submitted. And as the chair noted, the first sort of full year's annual report will be due in March of 2020. So it may not be quite as detailed or robust, because we'll have already well, we have already submitted this report in December, but it certainly gives us an opportunity to follow up on additional details that the council may request and to make sure that that report in March is up to date. So, in terms of what technologies are covered under this surveillance ordinance, the as I noted in some of the earlier terms that were defined.

Nancy Glowa, City Solicitor 17:05
The ordinance applies very broadly and covers more than what might think of as traditional surveillance methods. So, it could be a physical device or piece of hardware. Some of the more obvious examples, I think our cameras, gunshot detection, and long-range wireless scanners. But it could also be a software program that analyzes surveillance data generated by the city or by a different entity, a third party which shares that data with the city. And examples of that might be public health or epidemiological databases, FBI and state fingerprinting databases and things like that, that the city gains access to. So, the key question for us in analyzing whether something is covered by the ordinance is whether a technology in any way uses surveillance data that can either on its own or combined with any other records be associated with identifiable individuals. So, there are a number of exemptions set forth in the ordinance. And the exemption categories include surveillance technology that uses only surveillance data that somebody knowingly and voluntarily submits to the city, that only uses surveillance data that someone had a clear opportunity to opt out of providing, traffic violation cameras installed on a vehicle or public road pursuant to state law, cameras on city property installed exclusively for security purposes, cameras monitoring city cash handling operations, and surveillance technology that only monitors city employees in response to complaints of wrongdoing or to prevent fraud, waste or abuse.

Nancy Glowa, City Solicitor 18:48
The review of whether an exemption applies requires a fairly detailed legal analysis and that is conducted by the law department in conjunction with the departments who would submit that information to the law department. And we go through a pretty rigorous analysis with the ordinance to determine whether something is subject to the ordinance and requires a surveillance impact report or not. So, the, the requirements on reports included in the ordinance include the surveillance technology impact reports, which relate to specific surveillance technologies and their use of surveillance data. And part of the purpose there is to inform council review and public discussion about all of these types of technologies and their use of data. And those, all of these technology impact reports must be submitted to and approved by the City Council before that technology is acquired or used by the city. And because there may be acquisitions of new technologies along the way that can be done on a rolling basis, or if it's not urgent, perhaps it can be done in the annual report, but it cannot be used until it has been submitted to and approved by the Council. So, in the annual report, which is a little bit different than this specific technology impact reports that are submitted for each technology, we have a master report which is broken up by department. It describes each departments use of surveillance technology and surveillance data over the previous year, discloses any complaints or disproportionate impacts of a surveillance technology, requires an ongoing cost benefit analysis and is submitted to the council for review and approval each year. I would note that some of these items may not be covered in this report that we just submitted because, for example, we don't have a lot of examples of use during the prior year, although we tried to come up with as much information as the department's had available to that issue.

Nancy Glowa, City Solicitor   21:00

It also requires the city to develop the city manager to develop a surveillance use policy. And that is intended to be a citywide policy that is applicable to every city department with surveillance technology that is used now or in the future. And key areas that are covered within the policy, the draft policy that is in front of the committee now, include what are the permissible purposes and authorized uses of surveillance technology and surveillance data? What is the oversight by department heads and compliance officers? One of the things that the city manager has established, I think through the, the policy that's been drafted is to appoint a compliance officer for each department in the city, so that there's a point of contact within each department to be monitoring how the ordinance is being overseen and it covers data collection, protection, access and retention, and finally training to all of the people in the various departments who will be needing to be governed by the requirements of this ordinance. In addition, there are, the ordinance calls for technology specific surveillance use policies, when there is a new technology that's been proposed, that has not previously been the subject of one of the surveillance technology use reports. So that is something that can be developed as needed as a new technology is introduced. And when a department wishes to introduce that to the city council for consideration. It's designed to address new or unanticipated technologies that aren't already sufficiently addressed by the surveillance use policy. So, it's not our intention to, just because there's a new technology the city's going to acquire, if it's something that's already covered, generally within the existing surveillance use policy, it might not work. require a technology specific use policy. But where there's something very new or cutting edge, then then we would file, prepare that kind of policy. So, the ordinance requires submission of a technology specific surveillance use policy with the surveillance technology impact report, when needed, but not otherwise. So, at this point, I am going to turn it back over to Jennifer Matthews from the city manager's office to talk about the compliance process.

Jennifer Matthews, Assistant to the City Manager   23:33

So, we thought it'd be helpful to summarize a little bit about this kind of initial compliance round because it has been very unique, and it will be different than how compliance is conducted ongoingly. But just to give you some background, so the city manager and law department began holding information sessions and meetings for all departments in the fall and had these conversations to talk about and answer general questions on how the audience applied and what might come under it and what departments need to be thinking about and kind of inventorying internally. Departments then submitted their information on existing technologies, and any known future technologies that they would want to acquire in kind of the next few months, so that it was all part of one reporting process. And they submitted that to the law department for review, again, that legal analysis was conducted and technologies that fell under the surveillance ordinance and were considered surveillance technology were then, departments were notified of those technologies. They prepared surveillance technology impact reports related to each individual piece of technology in their department, and they prepared an annual surveillance report regarding all the technologies used by their department with the look back of that first year back to the December 10 2018 enactment date of the ordinance, and then through until the submission for the December 9 2019 council meeting. So those were the two big batches of reports that were prepared initially. We don't anticipate that everything would be coming at once again, but because it was that massive undertaking for the departments and I do want to recognize what an exceptional amount of work it was for the departments, that was all done at once. Moving... So, for all the existing technology that departments used, the technology impact reports, and the annual surveillance reports were submitted. For the few technologies that have been identified as one's departments might want to acquire or use in the near future. Only the surveillance technology impact reports were submitted because they require the advance approval of the council and there was no annual look back period for them

to work with. So that is what happened with the initial reporting cycle, and everything was submitted to the council in advance of the December 9, 2019 meeting.

Jennifer Matthews, Assistant to the City Manager 25:55

What we anticipate the process will look like moving forward and Nancy talked through this a bit with just the requirements of the ordinance, as the technologies that are currently in use by the city are reviewed and hopefully approved by the Council, then moving forward departments will be submitting information about proposed new technologies, or changes in use of any existing surveillance technology. So just one thing to mention recognizes the ordinance requires new technologies be approved. But if you're going to be using an existing surveillance technology in a different way that also has to be reviewed and approved by the Council. Maybe it's a different location that wasn't contemplated, maybe you're gathering additional data that hasn't been reflected. So those will be things that we work on moving forward to make sure continued compliance is handled. So, as those changes are made, departments will report, the law department will review and determine if a new technology is surveillance technology, or if a new use requires an amended reporting to the Council and if that happens, then a new surveillance technology impact report will be submitted to the council for review. Or if it's an existing technology used in a new way; a revised impact report will be submitted to the council. So those again, those surveillance technology impact reports are submitted as soon as possible or practical, practicable for the council to review. And then the annual reports will be submitted during the March deadline so that you get that look back period of the previous year and how the technologies that were previously approved, have actually been used. It's that continuing compliance and cost benefit analysis mechanism for the council to review what's in use, is it working the way that the departments want it to be, is it meeting the goals of the Council and the ordinance and everything like that. So that's what we anticipate the process will look more like moving forward. But again, we had kind of a unique initial compliance round that we just wanted to recognize.

Jennifer Matthews, Assistant to the City Manager 27:56

A few other things that we wanted to highlight because we are committed to continuing the compliance. And we know that that will be, you know, a big step for departments and for the city manager's office to oversee. We just wanted to flag some of the ways in which we think we can, we can really keep doing this. There are, as Nancy mentioned, identify compliance officers for all the departments that currently use surveillance technology. And they'll be responsible for assisting their department heads with oversight and reporting. As new technologies come up or changes are made internally. There will also be additional information sessions and trainings for department heads and compliance officers and staff who use the technologies. The city manager's office will be setting that up. We know that this is a very complex ordinance and that there are going to be things that people have additional questions on, there's going to be things that come up with this initial round that people realize we need to submit reports on that, we need to have that reviewed and we're committed to working with everybody to continue doing that. Again, it's something that we realized we'll keep refining this process as we go through it. So that's another way we'll do that. Another thing that's been raised that the police department had mentioned is the possibility of reviewing some internal policy changes that relate to specific surveillance technologies used by the police department. Understandably, they use most of the surveillance technology in the city. So, there could be some instances where changes and protocols internally could then be incorporated by reference and future reports. It might not be something that rises to the level of a full surveillance use policy change or something that large scale, but it is something that we've discussed, and I think the commissioner has said is something they'll take a look at moving forward. And then additionally, just for increased transparency, and making sure all these submissions are housed in one place. We'll be working

on a web page to upload all surveillance related materials, submission so that everything's in one place and both city staff and the public and stakeholders can review that. So, we thought it would be helpful. Before we get into the details about all the submissions in front of the committee. We're happy to answer any questions you might have on general process or background, and then we can happily get into the details of the materials in front of you.

Councillor Quinton Zondervan 30:19
Great, thanks so much, Jennifer. So, do we have any clarifying questions on the surveillance ordinance? That was just presented. All right, seeing none will continue.

Jennifer Matthews, Assistant to the City Manager 30:37
So hopefully this will help clarify that of the content of the materials in front of you. So, there are 58 separate surveillance technology impact reports. Fifty-four of those were submitted prior to the December 9, 2019 council meeting, and there are 13 supplemental reports related to 13 of those original fifty- four submissions that the police department submitted, and we submitted to the committee yesterday. There are redlined changes just showing that additional information that was provided. And they reference the original surveillance technology impact report numbers from that original December submission. So hopefully it's not too difficult to cross reference. But again, we can go through those. We just wanted to make you aware of that. Then, in addition to those 54 original reports, there were four new surveillance technology impact reports submitted on Friday, so submitted to the committee prior to this committee meeting. And to be perfectly transparent, what's happened there is, as things have come up through either their procurement process or you know, again that flagging for additional reporting since the initial submissions in December, we've been tracking those and prepared surveillance technology impact reports for the ones that again, require that review and approval before we can move forward with any sort of procurement or, or use of the technology. So those are four new ones that were submitted. In addition, there is the annual surveillance report, grouped by departments. And that report relates to all the existing surveillance technology that was referenced in the December 9th submission. So, it's tied to those 54 original submissions. So, it covers the existing technologies there, but not the future proposed technologies. And I know that sounds confusing, but there were just a couple that weren't going to have an annual report with them. And then in addition to these reports, there's the draft surveillance use policy and that was submitted, just to clarify kind of on the requirements for the policy. That is not in fact, due under the ordinance until March 9 of this year, but it was submitted in, you know, part and parcel with the reports, because it made sense. The reports referenced it and we wanted to give us full picture as possible, so it was submitted prior to that December 9 meeting as well.

Nancy Glowa, City Solicitor 33:03
Mr. Chair, if I could just add, I wanted to recognize that the nine months kind of flies by and city staff throughout many, many departments have been working on May 1, we were preparing the draft policy, the forms to be used by departments and submitting information for review, and then putting together this whole package that was submitted to the council in December. So, I wanted to acknowledge the great interest and assistance of Kade Crockford from the ACLU. And also note that she and others may have questions or comments or suggestions for additional information that can be provided. And we're well aware that we may not have addressed everything at this time, but that this was sort of our effort to meet these deadlines and to get as much information as we could before the council, but we welcome questions and comments and suggestions for going forward. Thank you.

Councillor Quinton Zondervan 34:07
Yeah, just one second. So, there's your presentation complete? Great. So, we'll have some clarifying questions. I'll hear from committee members and no committee members have questions. I'll recognize the representative from the ACLU. No questions, so, Kade.

Kade Crockford of the ACLU 34:31
Thanks. And through you Mr. Chair. Where are the four new impact reports that were submitted on Friday? I don't see them in the agenda for this meeting.

Councillor Quinton Zondervan 34:46
If I may answer they did not make the agenda.

Kade Crockford of the ACLU 34:49
Okay. Got it. Okay.

Councillor Quinton Zondervan 34:51
I believe they're in the in this larger print out. I have an extra copy which you can review.

Kade Crockford of the ACLU 34:58
Thank you so much.

Nancy Glowa, City Solicitor 35:05
Mr. Chair, they were, I believe the city clerk did post them on the city's website, but it was too late to be on the agenda, but they are there and certainly copies can be made available.

Councillor Quinton Zondervan 35:17
Okay, so just to review a little bit where we are. So, the goal for tonight is the process that first set of 58 surveillance technology impact reports. And then at future meetings, we will review the annual surveillance report and the surveillance use policy. So, if committee members, the council, the ACLU have any specific questions about any of those 50 reports, we can get into that a little bit. We do want to keep track of time because we don't want to go forever. And we also want to hear from the public. But you know if there's any questions, this is the time. Vice Mayor.

Vice Mayor Alanna Mallon 36:13
Thank you, Mr. Chair through you. I just have a question around. It seems like people are using different... like, number one, number two different buckets and categories for different, different... Sorry, I'm not organized. My thoughts right now. Okay. Different departments are using different categories around describing that surveillance technology. So, describe the how the surveillance technology will work, what is the purpose and even within the police department the categories are different. So, I'm just curious if, if Ms. Matthews can tell us how these work, how these were came up with. How these different things were come up with and why it's different across departments and what is the reasoning behind it? If that makes any sense at all?

Jennifer Matthews, Assistant to the City Manager 37:07
I will happily answer it for you, Mr. Cherish to the best of my ability on that. So, I think one of the things we found in the initial kind of compliance round is that understandably, different departments thought about and phrase to their descriptions of the surveillance technologies different. It's just, just human nature, people describe things differently. And there admittedly was not, you know, a large backstop, through the city manager's office through me to make

everything uniform. We wanted departments to be as detailed as they could and to provide the information about the technologies they were using, since they are the most knowledgeable. So that I think is a little bit of why some of the descriptions are just different depending on who completed the forms from the departments. For the purposes of the technology, those purposes, for the most part are linked with the permissible purposes in the surveillance use policy draft that's before the committee. So it was, again, just that attempt to say, these are the reasons that technologies can be used. And we wanted departments to be thinking about that and making sure that their uses were lining up appropriately. And that is what they considered and then reported based on whatever the individual technology was used for.

Vice Mayor Alanna Mallon 38:25
Thank you, through you. I understand that different departments use technology differently and have different uses then their descriptions might vary. It just makes it really difficult to be reading this in total. And even within the police department there are, it seems to be different descriptions based on what the technology is. So, I don't know if, if anyone else found that really difficult when they were kind of going through and trying to look, you're going back and forth between human resources, the water department and then police and fire. So that's one thing I had questions about. About whether or not that could be better streamlined, even within the departments. So, and then my second question is in terms of, not to pick on the police department, but it's under the what is the purpose of the surveillance technology? If things could be a little bit more described and detailed on what exactly the purpose is. It does seem like there's kind of bullet points and buckets that get used over and over and over. And I think just when you're reviewing these reports, if you were reviewing them again and total at it, it would be easier to go through for us to figure out what exactly the purpose of the surveillance technology is not that they fit within these three bullet points and items. So those were the questions and concerns I had around the, this first round of surveillance reporting and how we could move forward in the future to make them more streamlined, and easier to read.

Councillor Quinton Zondervan 40:00
Thank you, Vice Mayor, I fully share those concerns as well. And I also noted that question number eight on these reports, which is about disproportionate impacts was often not really answered. And that's one of the most important aspects of this ordinance and this process. So, you know, the one example that really stood out to me was number 20, on the school bus cameras, where it basically says that the cameras impact all the students on the bus equally and how do we know that? So, I think it's really important that we go back and really begin to analyze the use of these technologies and make sure that, as we try to answer that question, it's backed by data. And if we don't know, then we can say, well, we don't know, if there's a disproportionate impact, which again, would flag for us to maybe ask for more scrutiny or data on that particular technology use, but to simply state that it impacts everyone equally did feel a little, you know, incorrect to me, because we don't really know that that's true. Any other questions or concerns? Kade.

Kade Crockford of the ACLU 41:41
Through you, Mr. Chair. First of all, I want to say that I submitted some comments in writing to the, for the record for this meeting. And I want to apologize because those comments, say that there's nothing in these reports about surveillance in the school system and I see that the amended report actually does include some technology impact reports from the Cambridge public schools, so please disregard, disregard that part of my letter. That said, I share the concern of yours, Mr. Chair, that the information in the, specifically in the police technology impact reports about disparate impact seems to you know, it may be that, it may be that we are we sort of have a different understanding of what that means. For example, you know, one of

the technologies that the police reported on is a live scan booking system that fingerprints, all arrestees. And if I remember correctly, the report said something like, you know, there's no disparate impact here, because everyone who's arrested is subjected to this process. Well, so that's one way of looking at it. Another way of looking at it is that there may be racial disparities in the arrests, and so if that's the case, then in fact, there would be a desperate impact in terms of who's getting fingerprinted, because maybe a certain population is, is getting arrested more. So that's, you know, food for thought. I don't want to take up too much time. I want to say at the outset, I appreciate what Nancy said, you know, this has been a long process. I know, it's been a lot of work for the city. I don't know if any of you paid any attention to the Senate trial today in DC. But I think that folks in Cambridge should be really proud of your local government because it is not dysfunctional, like our federal government. It is actually quite functional. And I appreciate that it takes a lot of work and commitment to, you know, actually breathe life into a local democracy.

Kade Crockford of the ACLU 43:42
So, I just want to say at the outset that the ACLU is aware of that and appreciative of how much work it takes, and we think it's really important, this is not just for checking boxes. It's important that people in their community know what their government is doing, especially with sensitive information about them. So, I just wanted to say that at the outset, having said that we have a significant number of concerns with some of the reports submitted by the police department. I have a list of them in this letter that again, I would encourage you to ignore the second paragraph of please, that I'm happy to pass out of, you know, if you're interested in seeing a copy of it. I can, I'm not going to read the list of the specific ones that were concerned about. I'll get into a couple of examples briefly, because I think that might help. You know, explain some of our concerns. So, a couple of I highlighted three specific technologies in this letter that we're very concerned about. And generally, our concern is that there's not enough information in these reports. That there's insufficient information, the council is not going to be able to adequately evaluate whether or not these technologies are right for Cambridge without more information. So, the first that I detail in this letter is Coplink. The report, on Coplink is very vague, doesn't really contain any information about what types of records, the Cambridge Police Department contributes to the Coplink system, what types of information other departments contribute to that system? What information is available to Cambridge Police Department officials through the Coplink database? And this is particularly concerning to us at the ACLU because through other work, through public records requests that we've done with other departments throughout the state, we've pieced together more, much more comprehensive picture of what Coplink actually looks like then what the technology impact report has offered the council and it's a lot of information. It's a significant amount of information about lots of people. It's not just that there's a lot of information in that database. There's a there's a facial recognition feature that's available through Coplink. And I think that's really salient information for the council to know given what happened in the past couple of weeks when the council voted to prohibit city employees from using facial recognition, so that tool is called face match. And it, it allows users of the database to upload images of unknown persons, and then try to identify them based on 4 million mug shots that are contained in that system.

Kade Crockford of the ACLU 46:21
Another concern that we have is that the public records work that we did provided some documents to us that indicated that we think ICE has access. Some employees of immigration have access to the Coplink database that I believe is maintained by the state government here in Massachusetts. So, it's that kind of information that I think, you know, is really necessary for the city to provide so that folks on the council can properly evaluate what's really going on. Another example of that is the clear database. The clear database is described as merely a you

know, a set of public records you know, it's not a big deal. The work that we've done again elsewhere, and other public records work has indicated that clear is actually a very, very invasive database that there are huge quantities of sometimes not public information about, again, millions or hundreds of millions of people in this system. So, to kind of just say, well, you know, there's nothing to worry about, because these are all public records. First of all, even if it were the case that they were all public records, data brokers that amass these massive troves of information about people are aware that that is very sensitive information. So, it's not accurate to say that merely because something only holds public records that it's not sensitive. This is not information, for example, that anybody who does not have a clear license to use this database would be able to obtain just on the public Internet. Second, clear's own website, which clear is a database system that's maintained by a company called Thomson Reuters. If you go to that website, you'll see that they, they are very public about the fact that there is nonpublic information in this database, including a trove of 7 billion license plate reader records showing where hundreds of millions of people in the country have been driving, you know, even though they're not suspected of a crime.

Kade Crockford of the ACLU 48:16
So that's one example of information that may be accessible to Cambridge Police Department officials through the system. And that's not reflected in the technology impact report. So, you know, just generally looking for a lot more detail about what these systems are, what kinds of data are inside of them, you know, who contributes that information? Who on the Cambridge Police Department has access to those database systems and under what circumstances they can access that data? And those concerns apply to a lot of the database systems in here, including the brick omega dashboard, including others that you know, I'm not going to get into in detail. And then finally, the third that I want to flag is this focus to turns database. It seems to me, given the various, you know, short description of the system in the technology impact report that what's being described as some sort of predictive policing system. Again, that's not really clear, because there's not a whole lot of information there. Predictive policing, for those of you don't know, is a very controversial law enforcement tool. Depending on how it's used, it can potentially reproduce some historical bias. And you know, you're nodding I know, I know that you know, this Commissioner.

Kade Crockford of the ACLU 49:28
And so it would be really helpful I think, for the for the council to have more information about how the system is being used by the Cambridge police department, what types of data are informing the system, for example, you know, this system will have very different outputs if you train it or give it you know, feed it information based on violent crime as opposed to information for example, about drug crimes or trespassing or disorderly conduct, you know, more quality of life type crimes that often have much higher rates of racial disparity, then something like you know, murder or something like that. Crimes that the police can't ignore, and that people generally call 911 to report. On the other hand, these other crimes are typically crimes that that reflect higher levels of police bias, or at least disproportionate policing, because there are crimes that police can ignore, right? I mean, we see, for example, in New York City, smoking marijuana is illegal. 95% of the people arrested for it are black and Latino, I can tell you as someone who smoked weed in New York City, it's not because white people don't smoke marijuana in New York City. So anyway, you know, using those kinds of data to inform a system like that can really have significant racial bias outcome. So, in other words, the public, you know, and the council in this case, in order to be able to make an informed decision about whether a technology like that is appropriate for Cambridge needs more information. And then you know, I just conclude by saying that there are two minor issues I think generally when any city department is reporting to the council about technology that conducts video surveillance.

Providing information about whether that system is also capable of recording or transmitting audio is critical just for, you know, compliance with the wiretap law and for, you know, for the council's information, to know, you know, to be able to make an informed decision about whether or not the technology is appropriate for Cambridge.

Councillor Quinton Zondervan 51:27
Thank you. So, I would like if we could address those two specific ones because we might be able to provide that information on the spot. So, the first one was regarding the school bus cameras, and whether or not those record audio.

James Maloney, Chief Operating Officer, Cambridge Public Schools 51:58
Yes, sir, they do. There are signs on the bus that say, entering that video and audio recording is in place.

Councillor Quinton Zondervan 52:07
Great. So, I don't know if it's possible to update the technology back report immediately or whether we have to wait, if you can submit another one to us to indicate that information. Is there an amendment process that that we should follow?

Jennifer Matthews, Assistant to the City Manager 52:32
Through you, Mr. Chair, one of the things we had discussed as a possibility procedure wise after this meeting is there are likely going to be surveillance technology impact reports that the committee and presumably the council will want that additional detail on. Any surveillance technology impact report to go before the council has to be posted seven days in advance and again requires full council approval. So our plan would be to take into consideration every, all the feedback that's receives night and make changes to the technology impact reports currently before the committee before they are submitted to the council for that review and approval, and we can flag them to show specifically what changes have been made in the way that we did with the supplemental police reports. So that it's very clear, but I think that would be potentially... not yet.

Nancy Glowa, City Solicitor 53:25
Mr. Chair, if I could, I just wanted to add that we have compiled a list of things that had top priority in terms of timing. And one of those items actually is the school bus cameras which Mr. Maloney could probably provide more detail on but because of the way the state procurement process works, all of the municipalities put out a particular IFB, information for bids, at around this time of the year. And then once the prices come in from the school bus companies, the city's put out an RFP and then will award a bid and then they need to have the contract in place and the buses on the road by August for the school year. So I don't know, Jimmy, if you wanted to add anything to that, but so it's very important for these 11 items which we could provide a list of to the committee of highest priority in terms of timing, that we do get questions about any additional information the committee wants with respect to those. So that hopefully we can answer all your questions and move on.

Councillor Quinton Zondervan 54:27
Thank you. I appreciate that. And I think it's sufficient for us to know on the floor that in fact, they record audio for us to forward them back to the council and then if you can update them in the meantime so that when we're considering them as a, as a full body, we have that in front of us that would be great. And so, the next one was the mile vision traffic counting cameras, does not indicate what happens to the MAC address data. Who hold those records or whether they are deleted or used for a purpose beyond traffic planning?

Joseph Barr, Director of Traffic, Parking & Transportation 55:10

just for the record Joe Barr, Director of Traffic, Parking and Transportation. So the, the permanently installed ones that we have do not do any of that but the ones that are installed on a, I think the second of the two camera related impact reports, they do have the capability of recording MAC addresses for the purposes of providing travel time information. And we don't personally install those on our, for our purposes are used by traffic consultants for generally for developer traffic studies, but for a range of traffic studies. So, we don't retain the data ourselves. It's retained by the actually by mile vision itself and analyze that way. I think and I'll let the city solicitor add any thought she had. I think we, in general, we need to develop a more organized permitting process for those because we've typically they've been installed on our infrastructure. And they, you know, which has not resulted in any physical problems leaving aside the sort of privacy issues, but we need both for physical and privacy reasons to make sure that we have better control over those types of installations, which is something that very few communities do. But as part of that, we would want to implement procedures that would ensure that going forward, the either there don't have that capability or that there, that capability is activated, or that there's some sort of process put in place where those MAC addresses are anonymized, which would still allow for, you know, the travel time information to be recorded but would not allow you to sort of reverse that and figure out you know, the actual MAC address that was present at a given time. So, I think, you know, in the interim prior to us having those requirements in place, I think we would tell the, the traffic consultants that they need to come up with an alternative solution for data collection. And, you know, we would hope to get that procedure in place quickly, because that will be an impact for those consultants who want to try to resolve that, but obviously, the you know, City Council's policies and the ordinances would be more important than their convenience.

Councillor Quinton Zondervan 57:31

Thanks. So, if that could also be updated in the surveillance technology impact report, that will be helpful. Okay, thank you. So those were the only two that specifically that the, in the ACLU letter, are there other specific reports? Councillor Sobrinho-Wheeler.

Councillor Jivan Sobrinho-Wheeler 57:55

I had a question about one of the ones in the supplemental report. It's the brick omega dashboard. So, a question specifically about this technology, but then sort of ties into a larger question about brick, and that we know the Boston regional Intelligence Center and sort of operates differently than the Cambridge police force. And that correct me if I'm wrong I don't think the Cambridge police force shares data with ICE, but the last thing regional Intelligence Center does, and in particular, looking at an article from just earlier this month at the Boston Public Schools, got... gave a hundred incident reports to brick and that those were accessible by ICE. So just trying to understand with brick omega dashboard, if it's something just as part of this regional intelligence partnership, if it's... Do Cambridge purchasing this entirely, or if it's sort of a shared expense with the other municipalities in the region, and then the larger question is, what kind of information is being shared with brick? Whether it's aggregate versus personalized, um, you know, what we might know about what could be accessed by ICE.

Councillor Quinton Zondervan 58:58

So just for clarification. This is surveillance technology impact report number 12.

Councillor Jivan Sobrinho-Wheeler 59:04

Yes, exactly. Thanks.

Branville Bard, Police Commissioner 59:09

Through you, Mr. Chair. Yeah. So the things that we contribute to the brick... well, let me back up for a minute and address something that the ACLU, we are working with the ACLU on providing more information, the three technologies that Ms. Crockford mentioned, up until right before the meeting, we were gathering more information to make sure that the information that we provide you and the public is more robust so that you can make a better informed decision with... that's why you see supplementals being submitted because we're, you know, working back and forth with the ACLU to provide more information. As far as the brick goes, obviously, its regional honor that allows us to participate and be good regional partners, but the information that we provide are arrest reports that have been approved, incident and filled interview observation reports for only certain cases, anything that's confidential where it involves a domestic or juvenile or sexual assault, those are excluded from being reported. And we don't determine access to the brick. The brick actually determines who can access and they obviously grant us access to the brick. So, it's only arrest reports after they've been reviewed and approved, certain field interrogation observation reports and specifically as they pertain to crimes and crime patterns, and ongoing investigations, and other things are excluded like domestic, anything that involves a juvenile or sexual assault.

Branville Bard, Police Commissioner 60:48

And, costs there, there's no cost associated to the municipalities that participate.

Councillor Jivan Sobrinho-Wheeler 60:57

Thank you.

Councillor Quinton Zondervan 61:01

Any further questions? All right, why don't we go to public comment? And then we can come back and have further discussion. So, I'll open public comment. Please give your name and address. And I'll give no more than five minutes, please.

Alex Matthews 61:23

Hi, my name is Alex Matthews. I am the chairman of digital fourth, which is a volunteer based civil liberties organization that meets here in Cambridge every week. And we have done since 2012. We've been involved with the development of this ordinance, and we are keenly involved, keenly interested in the reports that result. And I apologize for any disturbance from Little Tommy during these comments. I echo the concerns that several of the counselors and the was Crockford have raised here. The intent and spirit of developing surveillance, impact reports was not for three lines to be provided on why we should not we need to worry about the privacy impacts of a given technology. Why they are minimal because they apply to everyone that doesn't make the minimal. Why? A good a good example, I'm going to illustrate our concerns with the newly submitted surveillance reports relating to the securely web monitoring system in the Cambridge public schools. Here, the privacy impacts that surveillance technology has, it says minimal privacy impact.

Alex Matthews 62:52

The web filter on the school issued Chromebook is the same whether used in school or not. All students and parents are advised through Chromebook User agreements that the web filter will be employed both in school and off campus. So, to summarize, the school district has partnered with a third-party vendor to monitor all browsing that is conducted on school issued Chromebooks, whether it's school or at home. And because people are advised of that in a click wrap contract, and because it happens both on and off campus, apparently the privacy impacts are minimal. This is ridiculous. Frankly, nobody with any consciousness of the privacy concerns

here should have written that the privacy impacts were minimal. We need to carefully consider whether we want as part of city policy for the web browsing on mandatorily School issued computers to be tracked and sent to a third-party vendor who associate them with an individual student ID. And then as far as I'm aware, sell and package that to other third parties to whatever extent they want to do. None of that is covered in this single page report. What are the fiscal costs of security, including initial costs, ongoing maintenance and personal costs and source of funds? N/A, it says, well, this must be magical software. Not only is it free, but security isn't benefiting in any way from it. And it doesn't cost anything to maintain. It doesn't cost any personnel costs of these public-school systems to deal with anything to do with school security and never will. This is not credible. And this is typical of the problems that are with the surveillance impact. reports that are submitted another example, the report on ShotSpotter, which was so inadequate to begin with, that, further details have had to be submitted. The point that you were making Councillor Zondervan about disparate impact applies quite significantly here. ShotSpotter sensors, according to the updated report, cover 1.1 square mile of the city, which 1.1 square miles. We don't know. You don't know. This report might tell you and without knowing which parts of the city it covers, how can we possibly assess whether discrete minorities within the city are disproportionately affected? We can't.

Alex Matthews 65:51

I'm not saying that we need to know exactly what brick the sense sensor lies by, but you as counselors need to have enough information to determine whether there are adverse impacts that are related to where people live, and work. So, I encourage these reports to be looked at again, they are not inherently going to be one-page things. I appreciate that the city has been doing a lot of work and has had relatively little time. But frankly, that's because of the huge variety and number of surveillance technologies that turn out to be used by the city. And in order for city councilors to make a meaningful judgment as to, as to whether they should be approved for continued use. The city departments that use these technologies need to make a good faith effort to confront the genuine privacy issues involved.

Councillor Quinton Zondervan 66:51

Thank you. Anyone else? Seeing none, I will entertain a motion to close public comment. All in favor? Any opposed? The motion carries public comment is now closed. We can have general discussion. Again, we're focusing on the surveillance technology impact reports before us. Vice Mayor.

Councillor Alanna Mallon 67:27

So, thank you. This isn't necessarily a question about the surveillance impact technology reports. Although I, I do have more to say I'll let other people speak to which reports we're going to accept and which ones we're not going to tonight, but I did have a question about how technology that we are purchasing is being communicated to us that will fall under their surveillance technology ordinance. For example, Monday night, we all approved the fire departments use of purchasing laryngoscopes. And I think we were all surprised when I pulled it that it would, that this technology would fall under the surveillance technology ordinance. It was not communicated in the city managers report. And I'm wondering going forward is, is there a way that that can be communicated to us better? So that we understand that we when we are procuring things, even though I know that we're going to have to be getting these reports, I think it's important for us to understand when we are approving an allocation, what is or is not surveillance technology, I would never in a million years have... I had other questions about that particular technology and what it was used for and where it was going to be deployed. But I never in a million years thought it was going to be a computer that was going to you know, be taking video not only of the inside of somebody's throat, but in and out and somebody's full face,

and that that was going to be stored somewhere, perhaps shared by a third party. So, I'm just wondering if you know, if the City Manager's office and the law department can speak to how that will be communicated, going forward that we will know that without randomly pulling something, because we would not have known had I not pulled it?

Nancy Glowa, City Solicitor 69:14
Through you Mr. Chair. I mean, one thing I would say is that, I believe the council wanted to approve it provisionally contingent upon this process. So that would not have come to the council for full approval unless it had gone through this process, if it was subject to the surveillance ordinance. So, every technology that might be is reviewed by the law department and we make a determination as to whether it is or isn't. And we're trying to put in place procedures both in the purchasing department and in all purchasing processes for departments that are trying to procure new technologies or whatever, all sorts of things to make sure that we have that review before it goes forward so that it comes to the council first. And then we would go through the subsequent process with a few of these things like the laryngoscope, which I don't know if the fire department wanted to speak to that, but it's something that they believe is critical for life safety reasons, wanted to get it before the council as soon as possible, even though it was going to be dependent upon the further review by this committee and the full Council, under the surveillance ordinance.

Councillor Alanna Mallon 70:27
Thank you. And I understand that. I just think even though it was a personal thing, there is a way to communicate to the council at that time of the vote, that it may be subject to the surveillance ordinance, and it will need to go through this process. And I think having a better understanding at that time of why rather than the blurb that was given to us was just that we're going to buy these, this piece of equipment and no explanation of whether or not it was going to have a computer or even might be subject to the surveillance ordinance. So just some way of we know when putting together that city managers agenda and putting together those items, I think just saying something that would telegraph to us that.

Councillor Quinton Zondervan 71:11
Yeah, if I might just interject it. First of all, I completely agree. And I would suggest that going forward as much as possible when there is a procurement, and there's an anticipated impact, that the procurement comes with a surveillance technology impact report, even if it's quite minimal, just so that that flags to us that this is subject to the ordinance, and then it allows us to ask questions and get more clarifying information.

Jennifer Matthews, Assistant to the City Manager 71:43
Through you, Mr. Chair, that's absolutely the process that we anticipate using moving forward, I think to the vice marriage point, you were not the only person who did not initially think that a laryngoscope was going to be a surveillance technology and that goes back to the, the continuing education and discussion process that the city manager's office will lead. As soon as it was recognized that this is something that's going to require the surveillance review. That was the information that we put before the council. So, the appropriation was approved. But this surveillance technology impact report that was submitted as the supplement is because we would not move forward in any other way without the council's review and approval of that technology, once it was discovered that it's subject to the ordinance. We're working with... We will be working with budget and finance, the E-Gov process, purchasing department, all the inroads that we've been able to identify as we've actually gone through this review and approval process on the ground. We will be working with them to continue this refinement and make sure that when any initial information about a technology procurement or appropriation to procure the

technology is coming to the council. It's accompanied by that technology impact report that is absolutely the process that we want to have in place.

Councillor Alanna Mallon   73:00

Just to add to that, since the fire department is here, I had specific questions that I would like to see on the on the impact report. Right? How much of somebody's face will you see going in and out? Will they be used to communicate via, you know, their, to their doctors? How much of that will be kept on an SD card versus in the cloud? I think what I'm what I'm trying to get at night what I think what you're hearing from a lot of us is that some of this information is very light on details. And I think it's really important as many details and many of those questions that you can think about and ask yourselves should be on this report. We shouldn't necessarily need to ask further questions. So if it's, if it's a question you've asked yourself, it should be written and telegraphed and communicated through these impact reports so that we know exactly if you're using those for example in a training video or going over specific incident, Is there a way that technology can put a black box over somebody who's faced to anonymize it? I would like to see that on all of these. And I think that's where I was speaking earlier around some of these police reports, I would like to see that greater level of detail on all of the, all of the surveillance technology that is, is here that is used by the police department, because I think that's where I think a lot of us feel like the surveillance feels like we need to know a lot more to make informed decisions. So, I don't know how we move forward from here and sending certain reports back for more information, but I would say that the police department reports for me feel a lot lighter on details than some of the other ones and where I feel like we need to know the most detail. So, I'm going to yield the floor at this time for my colleagues' comments.

Councillor Quinton Zondervan   74:55

Thank you, vice mayor and just to answer your question, again, the goal of tonight's meeting is to forward all of these back to the full council unless we have real significant concerns that any of them need to be held back. As part of that process, there will be opportunities to further update them. The full Council has to vote before they are approved. So keeping them in committee doesn't necessarily change anything again, unless we feel that it's really so insufficient, that it's not ready for the council to, to look at so that's, you know, ultimately up to all of us to decide if we want to hold any of them back or, or not, but when our questions should be answered either way. And I do want to add, you know, as a computer practitioner myself, I think pretty much any technology that we are using is going to be subject to this, to this ordinance. So that would be the default assumption, you know if this laryngoscope. So, I don't know exactly how to pronounce it either comes with a computer, it's probably going to be subject to the ordinance. So, I think we really need to operate with that as the default assumption and then, you know, obviously, if there's valid exemptions, then maybe not. Any other questions or comments? And I did have a few specific questions. Again, you know, I've mentioned this before, but question number eight, really wasn't answered on many of these and a number four, which is the Atlas RMV system. Again, we don't know if there are disproportionate impacts or not. I suspect that there are. I did question a little bit whether our city firewall is really surveillance I mean, it's unless we're collecting IP addresses that we could trace back to PII. I'm not sure why we would consider that surveillance.

Jennifer Matthews, Assistant to the City Manager   77:13

Through you, Mr. Chair, I just wanted to clarify, as we go through the specific reports, the reports that have the questions one through eight that are very detailed are in fact the annual surveillance reports. So those I believe, is still your plan to keep before the committee and we can answer any questions, but they would stay before the committee for further review, and we can supplement those. But then for the surveillance technology impact reports, if those moved

on to the full Council, again, the supplement, I just wanted to make sure that as departments are answering the questions, they're looking at the right, the right reports for you.

Councillor Quinton Zondervan 77:48
Thanks. I really appreciate that. And this is very confusing. It's particularly confusing to me that the question about disproportionate impacts would be on the annual report but not on the impact report. I mean, that seems very weird, considering it's an impact that we're trying to anticipate. In any case that I had similar concerns about number seven, which again is in the annual reports on Westlaw. I thought number eight, which is web server access and error logging. I thought that gave a good answer. I think I have that number wrong. Yeah, but I think the example I was thinking of was actually the public health Maven impact report where they were very detailed about potential impacts on, on different communities. And then the bus camera. I had a question on the water meters. Do we use those to identify potential leaks?

Sam Corda, Managing Director, Cambridge Water Department 79:33
Do you Mr. Chair? Yes, we will monitor usage couple times a week and then based on that, see if it's changed versus the last six months and then we will make a call or email or text message people we have phones with to say that they might have a problem.

Councillor Quinton Zondervan 79:52
Great, thank you. That's very useful. Useful surveillance. I did have significant concerns about the Chromebooks, and this was mentioned in public comments, and the fact that we are essentially censoring information access to, for our students. And people are undoubtedly familiar with recent controversies that have arisen around that. And I think it's intuitively would seem like that would have a very disparate impact because, presumably, students of wealthier families can choose to use their own computers that are not subject to that censorship, whereas students from poorer families might be limited to the Chromebook are continue Obviously subject to that censorship whether at home or in the school and I, I think that is deeply concerning. And we should really look into whether we want to continue that as a, as a policy of our, our city. Then I had some questions about the ShotSpotter technology. There were concerns raised about it last year and it would be helpful to understand, you know, how is the police using this technology? And is it really providing any useful information that we couldn't obtain in another way?

Branville Bard, Police Commissioner 81:45
Through you Mr. Chair. So how are we utilize it, or you want to explain the technology? Or you... okay? So basically, what it is, is a system a microphones. ShotSpotter has an algorithm that is trained to identify sounds that it classifies as gun fire. When it does, it has, they have an actual human analyst listen to the sound in their headquarters in California. And if it actually sounds like gunfire. They send us a, just a brief, through the app, a brief snippet of that sound, that gunfire sound. We then, it then reports to ECC and we are dispatched. We go to a location and we try to find other evidence of that gun fire. What it is, is an ever-vigilant listening system, meaning that you or me may become so numb to hearing gunfire in our neighborhood that we not even pick up the phone letting folks know that gunfire happened. Sometimes it's not gunfire, sometimes with fireworks, sometimes it's a car backfiring or a steel plate with somebody driving over to steel plate. So, the officers will go and try to identify, corroborate whether it was gunfire or not, or just what... Once we learn over gunfire incident, then we report that out to the public, no matter whether there was a victim or anything, we find any corroborating evidence and we put that out. Last year, we had, you know, one actual gunshot victim in the whole City of Cambridge, where we had several other incidents of gunfire that we would not have known about, if not for ShotSpotter. We don't have listening capabilities other than what that, that small

snippet of sound that ShotSpotter sends to us. When it's activated. We initially, when it was installed, it was based on the prevalence of gunshot victims and reports of gunfire. It continues to be the locations of that 1.1 square mile that continues to be that, it has not the location hasn't changed. The microphones haven't changed but that's the area of the city where, shots have been reported or and, you know, more so than any anything else. I think putting the exact location of microphones and I'm not saying that it was suggested that we put that there. I think it emboldened individuals who think they're not in that coverage area to then, you know, fire gunshot. So, the information that we provide we viewed all of these as working documents, knowing that we would have literally until March to work with the ACLU and hash out concerns. It was about compliance. And then now, that's why you see so many supplemental submitted and that's why you'll continue to see that submitted. They continue to point out, you know, make salient points, some that we think should be better addressed through policy for instance, like Coplink and our using it regionally.

Branville Bard, Police Commissioner 84:56
That facial recognition component of it while we're in the process. putting out a policy as soon as the ordinance was, as soon as the ban was, putting out a policy, facial recognition, technology. Flat out ban any, any... you can't access that component. It'll be, you'll be violating departmental policy. So, we understand that. One of the questions that was raised about our poll cameras, we, we apply those in investigative situations only when there's a serious public safety concern, and only in public spaces, and so infrequently, but our policy, our practice was that it, you only could deploy one with the approval of Superintendent or above but are there was no policy to say that. So now the policy that we're preparing and soon to put up, says only upon approval of the superintendent or above. And last year... how many time did we deploy the cameras last year? I think one time and since I've been here in two and a half years, three times. So, you know, I readily admit that there's a potential for, you know, impact. However, the actual impact here may, you know, not be realized. When it comes to live scan. One. There's a requirement that anybody who's arrested has to be fingerprinted. The courts won't accept them unless they're fingerprinted. I think the analysis is different if our arrests are having a disparate impact on communities of color or disproportionate contact. That's a different analysis. But that live scan system as a setup it, it and my semantics of it. It is not, it doesn't pose a disproportionate impact. Whoever comes in the headquarters and is arrested has to be fingerprinted per state law or federal law. The courts won't even accept a body who hasn't been fingerprinted. So, we can have to fingerprint every, you know, a necessary component of a modern-day police department to have that technology. I think that analysis as to disparate, or disproportionate impact, is held in another place. Is better, you know, done somewhere else like reviewing arrest practices as opposed to what livescan does. We have to use that technology. And I'm not sitting here, I'm not going to address every single point that was brought up. But the point is that we are viewing these as living documents that we know you have, the council had the full review in March and we believe that we'll be able to in that timeframe, work out any information concerns and you know, it hasn't been an adversarial process up to now and it won't be moving forward. We're providing supplemental information and more information where necessary.

Councillor Quinton Zondervan 88:02
Thank you, Commissioner. I appreciate that. I do want to say that in terms of the disparate impacts, I completely recognize the distinction that you're drawing, I think there is still room to really dig into that question. And, and ask, ask ourselves, if particular communities are being impacted. Not precisely because of that technology, but because of our arrest practices. Nonetheless, that could be revealed to us through this process, right. And then we could take action. We can't in this particular case, say don't use the technology, I understand that. But it

might lead us to understand other things we could do to mitigate or reduce those impacts. On the, on the ShotSpotter. Just, you know, again, I understand how it works and how you are using it now and then thank you for that clarifying explanation. That I guess, again, you know, it's clear, first of all, that it does have a disparate impact on the community where it's being used, right? Because other communities don't have that technology, which could be good or bad, right? If there's a gunshot happening there, they don't know about it, you don't know about it, potentially. And vice versa. It could lead a lot of police activity into a particular area, that most of the time maybe spurious, right. And if there is a real incident and somebody got hurt, then presumably you would you would know about that. And so, you know, I do question whether we need that technology, and I think, part of this process, you know, obviously not all of it tonight, but part of this process really should be to ask ourselves, do we need all this surveillance, right? Because once we start using it, it's very difficult to say let's stop so I think we need to ask some of those difficult questions so that we're not just expanding this surveillance forever and ever and ever. And losing track of it. And I want to recognize Councillor McGovern, but if you had a quick response.

Branville Bard, Police Commissioner 90:18
Through you, Mr. Chair, I would just add that when we had that spate of gunfire that resulted in the task force being erected. We're sitting at average is 12 to 13 shooting victims a year. That year, we had five shooting victims, so we had way down, but our shooting incidents were way up. Many of those were no victim, one case in two cases, and would have went unreported, if not for the technology, so if not for that technology, alerting us to the gunfire, us confirming that there was gunfire and then making that information public, which any hit that we have we do we make public, then the need for that concerted effort that taskforce might have gone unnoticed because a lot of those incidents weren't reported and didn't weren't attached to a shooting victim where we would have activated and weren't called it ShotSpotter alerted us to those. So just a point of reference.

Councillor Quinton Zondervan 91:17
Thank you. Councillor McGovern.

Councillor Marc McGovern 91:18
Thank you. And I was actually going to mention the ShotSpotter on a follow up Councillor Zondervan. And I, not to debate whether it's a good technology or not. I think there is I think it's given us information, we, we say we want transparency, and we want to know what's going on in this. We wouldn't have known all those instance. So, I don't want to debate the technology itself. But when I look at the report, you know, look through all of these as we've been sitting here and all of these reports that maybe I missed one or two that talk about disproportionality, they all say no. That seems odd to me. I mean, maybe that's true, but it seems strange to me that every single one of them says nope, nothing going on here. It does lead to that, you know, I think back to the training we all went to last week with all the cards on the table about, you know, who's in the room making the decisions and who's looking at the information and who's assessing the information and reporting the information or what have you. And it you know, just it just odd to me that none of these are said yes, there's a disproportional impact. And so, I think, you know, for ShotSpotter, for example, even if this report said something like, you know, this although this technology detects the sound of gunshots universally, it should be noted that it is used in areas where there are where there has been increased gun activity, which happened to be areas that are lower income and higher minority neighborhoods, so at least that and then that leads to that discussion. So, again, I think, you know, that, you know, that information is important for us to have and it is so I guess, to add to the chorus, I guess, of saying you know digging deeper and peeling away more when looking at those types of impacts. And you know,

and what may come of it. And we may say, well, okay, that's where it needs to be, because that's where things are happening. Or we may say, Well, wait a minute, to your point. You know, if, you know, maybe that gunshot that happens in fresh pond goes unnoticed, because we say we don't have the technology there. So, it does allow for that conversation to happen. So, I do, I just want to echo what my colleagues are saying. And there is a way to dig a little deeper I think with this and at least acknowledge that the technology in some instances are being used in areas that in certain areas and not others, and what is the reason for that? And then we can debate whether that reason makes sense or not.

Councillor Quinton Zondervan   93:50

Thank you. Any other comments? So are there any reports that my colleagues feel should be held in committee or do you feel comfortable sending these back to the council again, understanding that they will be supplemented with additional information based on this discussion and our questions.

Vice Mayor Alanna Mallon   94:15

So just a point of information. So we will be forwarding these reports on but at the same time, the police commissioner and his team will be working with Crockford at the ACLU to further dig into some of these description, descriptors, descriptions to give us a fuller picture of these, all of these reports or, sorry, the reports from the police department specifically.

Councillor Quinton Zondervan   94:42

That is my understanding and it's not just limited to the police department. So really, I think all of these reports should be reviewed based on tonight's discussion and any additional information that could be provided should be added to them as they're on the way to the council so to speak. And as Ms. Matthews has indicated, the department will be creating a website as well, where these will be posted. And so that should make it easier for us to review them and receive that information as well.

Mayor Marc McGovern   95:18

Through you Mr. Chair. Earlier, Ms. Matthews, you talked about how, you know, everyone fills them out differently. And so, you know, part of the training piece, let's maybe take the ones that are the examples of how it should be done and share those around and show people what the models are so that they can have a little guidance and how to do it. So, obviously, the language is always going to be different, but I do think, you know, I do think continuity is important. And I know we like sometimes to in the city to allow for creativity and in individual, individualism, but something reports like this continuity is really important and having so you know, that your getting all the same information.

Councillor Quinton Zondervan   96:04

So, unless we have other comments or discussion, I would entertain a motion to forward all 58 surveillance technology impact reports to the council for consideration and adoption. All those in favor? Any opposed? So, the motion carries. Motion to adjourn. All in favor. And we are adjourned. Thank you, everyone.

1. **A communication transmitted from Louis A. DePasquale, City Manager, relative to the Surveillance Use Policy and related documents.**

In accordance with the Surveillance Technology Ordinance, Chapter 2.128 of the Municipal Code, I am transmitting for review and discussion the Surveillance Use Policy and related documents.

RESULT:	**SURVEILLANCE TECHNOLOGY IMPACT REPORTS REFERRED TO THE CITY COUNCIL**

2. **A communication was received from City Manager Louise DePasquale regarding Surveillance Technology Impact Reports**

RESULT:	**REFERRED TO THE CITY COUNCIL**

3. **A communication was received from Louie DePasquale, City Manager, regarding Supplemental Information for Public Safety Committee Meeting on January 22, 2020**

RESULT:	**REFERRED TO THE CITY COUNCIL**

4. **A presentation was received from Louie DePasquale regarding the Surveillance Ordinance**

RESULT:	**PLACED ON FILE**