



BOSTON CITY COUNCIL

Committee on Government Operations
Lydia Edwards, Chair

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REPORT OF COMMITTEE CHAIR

October 20, 2021

Dear Councilors:

Docket #0397, ordinance on surveillance oversight and information sharing, was sponsored by Councilors Ricardo Arroyo and Michelle Wu, and referred to the Committee on March 3, 2021. The Committee held working sessions on April 22, 2021, August 19, 2021, and October 7, 2021. This matter is a refile from last year (Docket #0684) and the Committee held a hearing and a working session on this matter in 2020.

Summary of Legislation:

This legislation establishes standards for surveillance oversight and information sharing. The docket requires community involvement when surveillance is used and when the City acquires surveillance technology. The legislation limits information sharing between Boston Public Schools and the Boston Police Department. The legislation requires that the Mayor establish a surveillance use policy that applies to every City department and that the City Council approve the policy.

Information Gathered at the April 22 Working Session:

The following individuals participated on behalf of the Administration:

- David Elges, Chief of Information Officer, DoIT;
- Gregory McCarthy, Chief of Information Security Officer, DoIT;
- Kristopher Carter, Co-Chair New Urban Mechanics;
- Nayeli Rodriguez, Technologist for the Public Realm, New Urban Mechanics;
- Samuel DePina, Director of Operations, BPS;
- Superintendent Paul Donovan, Chief of the Bureau of Investigative Services, BPD.

The Committee was also joined by the following individuals: Valeria Do Vale, Student Immigrant Movement; Kade Crockford, Director of the Technology for Liberty Program, ACLU MA; Liz McIntyre, Esq., Staff Attorney, Director of the School to Prison Pipeline Intervention Project, Greater Boston Legal Services (GBLS); Elizabeth Badger, Esq., Senior Staff Attorney, PAIR Project; Nora Paul-Shultz, Unafraid Educators.

The Administration officials discussed the ordinance and its impact on the City and explained that management in surveillance oversight does not govern usage and that this ordinance would be difficult to implement citywide because of separate IT departments. Mr. Elges suggested changing the definition for monitoring of surveillance. Mr. Carter stated that the language requires more review and that it is necessary to look at the impact on BPS and BPD as these two entities require separate conversations. Mr. Carter suggested adopting public data trust principles and explained that the proposal's impact on City operations particularly in procurement practices and auditing needs to be examined. Ms. Rodriguez indicated that the City is interested in accomplishing the intent of the proposal. Mr. DePina referenced state legislative changes regarding the privacy of students. Superintendent Donovan expressed support for protecting civil liberties but suggested that the language in the proposal is too broad. Superintendent Donovan discussed the impact on BPD resources and how it protects the City. Superintendent Donovan suggested adding language to the purpose clause relating to appropriate use to improve delivery of services and public safety.

The Committee reviewed the language section by section. The Committee discussed "written report" in the *Definitions* section. Ms. Rodriguez referred to the citywide report requirement in the proposal and explained that in order to do that, the City needs to do an initial audit and maintain an audit annually. Ms. Rodriguez explained that this would require a significant amount of staff time. Superintendent Donovan inquired as to what qualifies as surveillance use technology. Superintendent Donovan stated that the language in the proposal is broad and could encompass everything that the BPD does such as FIO reports, booking reports, deployment of resources, and investigation of criminal activity. Superintendent Donovan addressed the exigent circumstances standard. Superintendent Donovan explained that the BPD is governed by case law concerning exigent circumstances and questioned that the ordinance does not define exigent circumstances and indicated that the language is vague.

The Committee reviewed the community involvement and control sections (sections k,l, m, and n). The BPD inquired as to why citizens in neighborhoods and individuals in public facilities are being treated differently. Kade Crockford explained that the expectation of privacy is different. Councilor Mejia inquired about the meaning of voluntary and asked about signage and asked about signage and surveillance in BPS.

Mr. Carter discussed information being embedded on apps and suggested having an exception for transportation and utility systems. Mr. Carter discussed third party software development and information that is voluntarily and willingly provided to the City and suggested adding language about consent to provide information. Ms. Rodriguez stated that BPD should be treated differently because the intent of the BPD and other City departments is different.. Ms. Rodriguez explained that surveillance and data collection for other City departments focuses on the operating needs of the City and assists the City with planning. Ms. Rodriguez explained that the City uses data to monitor energy use and planning to improve lives of residents and services.

The BPD inquired about how to protect the public with the current language because all cameras are fixed on public locations. Kade Crockford stated that transparency of surveillance does not require removal and that the provisions of the ordinance subjects surveillance to democratic scrutiny. Kade Crockford also explained that the concerns raised by Ms. Rodriguez would not be subject to the ordinance because there is no identification of people.

Mr. Carter raised concerns about the term “non-wearable” and “manually down-loaded” in *Exceptions and Exemptions*, 16-63.3, 2, C and “remotely accessed” in F. Mr. Carter expressed concerns because transportation companies use remote access. Mr. Carter suggested omitting the terms. Kade Crockford explained that the term “surreptitiously” should address concerns. Councilor Flynn supported increased funding for public works should this ordinance be implemented. Kade Crockford explained that under the proposal, if surveillance technology cannot identify individuals then it is not surveillance data and if the technology has the ability to identify individuals then it is surveillance data for purposes of the ordinance.

The Chair inquired about section N and questioned why City employees would not want to know if they were being monitored. The Chair raised concerns about consistency in the ordinance concerning surveillance of City employees explaining that City employees have rights to privacy and does not see the exception as fair. Councilor Flynn agreed in the interest of basic fairness that the policy should be consistent.

Superintendent Donovan stated that the BPD uses cameras as a tool for prevention purposes. Superintendent Donovan explained that cameras in buildings and outside buildings and parks are essential tools for the City in protecting the public. Superintendent Donovan expressed concern that under this proposal the City Council would have the power to deny the surveillance use policy. Superintendent Donovan stated that the BPD is fine with oversight. Superintendent Donovan inquired about the exigent circumstances in Sections 3 and 4 under *Exceptions and Exemptions* and asked what would constitute exigent circumstances. Superintendent Donovan suggested eliminating the word “similar.” Kade Crockford explained that the intent was to provide flexibility with regard to case law. Kade Crockford explained that approval of the City Council would be needed before surveillance is used except where exigent circumstances exist and would need City Council approval to continue technology after exigent circumstances.

The Committee reviewed the surveillance use policy provisions. The BPD discussed subsection G, public access, and public records request. Superintendent Donovan explained that criminal defendants are subject to the discovery process and the BPD does not give information to defense attorneys access to criminal defendants. The Chair indicated that this concern could be addressed in the policy. Kade Crockford suggested that adequate staffing could develop policies and that there should be a centralization of policies to advance the City's needs and to protect the public. Mr. Elges and Ms. Rodriguez raised the issue that the cost will be continuing for the City and that it will not just be a one-time cost but ongoing in order to ensure compliance over time. Mr. Carter raised concern with the City Council approval provisions and explained that this could impact procurement cycles. Mr. Carter raised the issue of what would happen if the City Council does not vote and whether the policy would be effective by default. Ms. Rodriguez also explained that a 90 day time period for approval could add delays for procurement and supported a shorter wait time so as not to delay procurement. The BPD raised concerns about the safety of officers and protecting the integrity of ongoing investigations.

Information Gathered at the August 19 Working Session:

The following individuals were present on behalf of the Administration:

- David Elges, Chief Information Officer, DoIT;
- Kristopher Carter and Nigel Jacob, Co-Chairs New Urban Mechanics;
- Samuel DePina, Director of Operations, BPS;
- Superintendent Paul Donovan, Chief of the Bureau of Investigative Services, BPD.

Also joining the Committee were:

- Kade Crockford & Emiliano Falcon-Morano & Laura Rotolo (ACLU MA)
- Nora Paul-Schultz (Unafraid Educators)
- Elizabeth Badger (Senior Staff Attorney, PAIR Project)
- Sabrina Barroso (Lead Coordinator, SIM)
- Lena Papagiannis (Unafraid Educators)

Mr. Carter opened by explaining that substantive suggestions from the Administration's redline include provisions that limit the ordinance and address operational impacts to City departments for innocuous activities, as well as the addition of a provision that would create a working group to transparently address and discuss the surveillance needs and processes for other City departments not currently included in the ordinance. Superintendent Donovan noted that BPD is advocating for an additional, separate working group that would help review and discuss some of the impacts of the ordinance on BPD operations and public safety and provide a BPD perspective in that regard. The Committee discussed what the limits and goals of BPD's proposed working group would be, expressing concerns about it creating a loophole in the ordinance. The sponsors and advocates explained that should the working group be intended to be and written as an advisory group, as opposed to a vehicle to override council decisions, that would be an acceptable addition.

The Committee began reviewing the Administration's proposed changes to the ordinance line by line. Discussions and determinations included the following: an addition to the purpose section; limiting the applicability of the ordinance to fewer departments; edits to the following terms "Surveillance", "Surveillance Data", "Surveillance Technology"; Section 16-63.2 changes to the Surveillance Use Policy and Section 16-63.2, Surveillance Oversight Working Group. The Committee also discussed the addition of language to clarify the group's advisory capacity. The Administration added sections in 16-63.3(b)(1)(C) & (D). Mr. Carter explained that these additions may be moot given the department limitations/applicability provisions added. The Committee discussed in 16-63.3(b)(2)(C) concerns about the term "non-wearable" and "manually down-loaded", explaining that the Administration would want to ensure there are exceptions for education and training videos made by BPD and other City departments), which often involve wearable cameras, such as Go Pros, and require manual downloads from the cloud.

In 16-63.3(b)(2)(K): Mr. Carter explained striking the word “solely,” expressing concern about the inadvertent inclusion in the ordinance of cameras for construction project time-lapse footage. The Committee discussed where the applicability provisions could make this change unnecessary. In 16-63.3(b)(2)(O), (P), & (Q), the Administration proposed additional exceptions. Regarding (O), Superintendent Donovan argued that warrants are subject to judicial review and approval so there is already a layer of built-in oversight. The Committee discussed that this exception could effectively allow BPD to skirt the ordinance. In 16-63.3(b)(3)(B) & (C), the Chair expressed concern about the addition of language extending requirements through the end of a criminal investigation, noting that these can potentially last years and criminal conduct as a criteria is vague, and so would result in a very broad exemption. Superintendent Donovan explained that BPD is concerned about the implications of the ordinance on tried and true technology that BPD currently relies on and has been approved by the courts for investigations. He recommended that the Advisory Committee review situations for exigent circumstances, since it would be impossible to codify every potential situation. In 16-63.3(b)(3)(D): Councilors expressed objection to language allowing for extension requests to be forwarded to the Advisory Group should they be denied by the Council if the result effectively creates an appeals process. Councilors discussed that the Advisory Committee only provide additional review and recommendations, but the City Council still retains all decision-making authority. In 16-63.3(b)(3)(E), the Chair noted that information submitted to the City Council is public record, so granting exceptions to limit information sharing with the public would likely not be applicable. Superintendent Donovan explained that BPD would be concerned about releasing specific information to the public. The sponsors and advocates explained that the required information to be reported is meant to be specific only about the technology and its uses, and is not meant to include information about specific people or incidents. Superintendent Donovan suggested this be something that could be reviewed by the Advisory Committee. In 16-63.3(c)(4), the Administration proposed language additions to require Council action within 60 days, and language that would refer policies to the Advisory Committee if action is not taken. The Committee registered no objections, assuming, as before, that the Advisory Group has no override abilities and the Council retains the ultimate and only vote. Superintendent Donovan stated that the Advisory Group would only make recommendations to the Mayor. In 16-63.3(d)(1)(A), regarding the addition of “if specified”, the ACLU objected. Regarding the provision that forwards requests to the Advisory Committee if the City Council declines to accept funds, the Committee reiterated its non-opposition, assuming, as before, that the Advisory Group has no override abilities and the Council retains the ultimate and only vote. In 16-63.3(d)(2)(C): Similar to previous points, the Committee did not register objections to a 60 day deadline and use of the Advisory Committee, subject to the same caveats of no automatic approvals, Council retains only/ultimate authority. In 16-63.3(d)(2)(E), the BPD expressed concern about being required to submit specific information that could compromise individuals’ safety or investigations. The sponsor reiterated that the required specificity is not intended to be about specific incidents and identified people. Superintendent Donovan again suggested that the Advisory Committee could be involved in determining the appropriate level of specificity by

circumstance. He stated that BPD would feel comfortable without the word “generally” so long as the Advisory Group could have input into how specificity is defined and interpreted. In 16-63.4(a)(1)(B), the Administration proposed striking the words “true and credible”, explaining that BPD/BPS needs to investigate threats before it can be determined if something is true and/or credible. The sponsor suggested a compromise of striking the word true, but keeping the word credible. In 16-63.4(a)(1)(C): The Administration proposed adding “ammunition” and “other dangerous weapon[s]”. The sponsor and advocates expressed opposition to the additions. Administration officials urged the inclusion of ammunition, noting that BPD would be involved regardless if a student is found in possession of ammunition because BPD would be called to remove and store it. Regarding the definition of dangerous weapon, concerns were raised about the potential for overly broad interpretations. In 16-63.4(a)(1)(D), the Committee discussed the necessity of BPS discretion in applying this section. The Committee also discussed the word “suspected”. The difference between BPS creation of reports for internal purposes such as school counseling, and BPS sharing reports with BPD was discussed. In 16-63.4(a)(2), the Administration explained that the proposed change is to acknowledge that there are situations where gang membership is integral to a specific activity, for example recruitment or feuding among groups. It was explained that this would similarly require schools’ discretion, as the goal would be to limit this exception to threats directly related to gang membership. In 16-63.4(a)(5)(A), the Committee agreed that reports involving allegations of household abuse may be withheld from students’ families in certain circumstances. In 16-63.4(c)(3)(A) and 16-63.4(d)(2)(A), the Committee discussed addressing BPD concerns by including language regarding exigent circumstances. In 16-63.4(g)(2), the Committee discussed the purpose of this board. Superintendent Donovan explained that the inclusion of this representative would be to give a public safety perspective to help avoid unintended consequences of the ordinance on public safety, and noted also that if there is a goal for inclusion and partnership among BPD, BPS, and students and parents, then having a representative appointed by the Police Commissioner can be a way to help bridge the gap of miscommunication and discomfort felt by the community. The sponsors clarified that the role of the board is to ensure enforcement of the ordinance. The Chair suggested that if the intent of this board involves separation between BPS and BPD then BPD should not be included in the membership. In 16-63.5(b), the Administration expressed concern about meeting the deadlines for the first report. The Committee suggested keeping the deadline at 12 months (as initially written), but allowing for extension requests similar to in 16-63.3(b)(3)(D). In 16-63.5(c)(1), the Committee discussed the specificity of information required. The Committee agreed to not include the Administration’s suggestion to add the word “general.” The Committee also agreed not to strike the last phrase as suggested by the Administration. The sponsor also requested an additional requirement for disclosure about the length of time information is kept. In 16-63.5(c)(2) and 16-63.5(c)(7), Mr. Carter explained that the intent was likely for budgetary purposes for the whole program. In 16-63.5(d), Superintendent Donovan opined that departments should be given a chance to rectify something prior to the Council’s withdrawal of authorization. In 16-63.8(d), the Committee did not support the Administration’s proposal to extend the effective date, noting that there is an additional

effective date for reporting following the effective date of the ordinance, which adds up to 21 months total. A new section, 16-63.9, is included and would establish the Working Group described by Mr. Carter.

Information Gathered at the October 7 Working Session:

Based upon testimony from a previous hearing and working sessions, there are proposed language changes to the docket which would narrow the scope of the surveillance oversight provisions to apply to seven City Departments or entities as follows: the Boston Police Department, the Boston Parks Department Park Rangers, Boston Public Schools, Boston Public Health Commission, Boston Housing Authority, Boston Municipal Protection Services, and the Office of Emergency Management. Changes to the definition section and applicability clauses to the surveillance oversight portions clarifying which departments would be affected have been added as well as changes providing certain exemptions to the Boston Housing Authority (BHA) and the Boston Public Health Commission (BPHC). There is also an addition to the exception section for technology used to track equipment and vehicles.

The Committee discussed the changes since the last working session which include exceptions for the BPHC and BHA to provide consistency and clarity and exemptions to the Office of Emergency Management (OEM). The exemptions Q and R, relating to the OEM are too broad and the concerns are addressed in the exigent circumstances section. The BHA and the BPHC expressed concern about the application of exigent circumstances applying to them. The Committee discussed adding language to be clear that BHA and BPHC are included. Supt. Donovan brought up a concern with regard to student reports and the confiscation of dangerous weapons as well as Chief Neva Coakley. Chief Coakley explained that as of July 1, the school police lost their police powers and do not have the process currently to store any confiscated weapons without preparing a report to the BPD. Chief Coakley also explained that the school police had a name change and that to school safety there was a suggestion that a reference to the state statute defining dangerous weapons be added, Chief Coakley also stated that the school police officers are no longer referred to by that name so there will be edits to reflect the new name of school safety specialists. The Committee discussed that the advisory board cannot overturn the City Council and reviewed the language that establishes a process and makes it clear that the City Council either approves or disapproves the use of surveillance. The Committee discussed that the exigent circumstances section allows for the OEM and BPD to move forward with surveillance if needed. The ordinance is not about operations. It is about transparency and information about surveillance.

Summary of Amendments to Docket as Originally Filed:

A new provision is added to the purpose clause about public safety. The applicability of the ordinance will apply to the following entities: the Boston Police Department, the Boston Parks Department Park Rangers, Boston Public Schools, Boston Public Health Commission, Boston Housing Authority, Boston Municipal Protection Services, and the Office of Emergency Management. The definition of *Exigent Circumstances* is amended to include the head of the BHA's Police, or the head of the BPHC Police. This change is a result of a concern raised at the

October working session regarding the applicability of the exigent circumstances provisions to the BHA and the BPHC. The term school police officers has been replaced with the term school safety specialists throughout the docket. Two new bodies are established related to surveillance policy. First, the Surveillance Oversight Advisory Board would serve as an advisory body that reviews technology, surveillance use technologies, and surveillance technology funding that has been rejected by the Council. This Board reviews the matter at hand, presents recommendations to the Mayor, after which the Mayor can decide to send a modified request to the Council for reconsideration. The second body is the Surveillance, Data, and Privacy Working Group, which will work to increase transparency, accountability, and engagement around technology and use of data within City departments not covered by the ordinance. The new amendments also include language explicitly outlining the process if a technology, technology use policy, or technology funding has been rejected or not voted on by the Council in time (60 days).

Changes in the information sharing ordinance include the addition of possession of ammunition as a reason for which a student report can be created. The new version also adds that School Safety Specialists may collect, store, and share information about the unlawful distribution of alcohol or marijuana by a student if it is an amount greater than 30 grams of marijuana and 1 liter of alcohol. The ordinance has also added language to protect students that are the victims of abuse, and states that the ordinance in no way interferes with state-mandated reporting of sexual assault, sexual abuse, or abuse. The new version also allows for a 24 hour period in exigent circumstances either following the conclusion of the exigent circumstances or after BPS transmits the Student Report to BPD in which transmission of information need not be reported to the student or the family.

Add “while allowing for appropriate use to assist in the charge of improving delivery of services and public safety” (16-63.1). Added the Boston Parks Department Park Rangers throughout the ordinance as subject to the surveillance oversight regulations. Added a Surveillance Oversight Advisory Board throughout the ordinance. This body would review technology or technology policy use that has been rejected by the Council or not reviewed within 60 days. This body would study the matter, provide recommendations to the Mayor, and then the Mayor would be able to resubmit the technology or technology use policy to the Council for reconsideration. The body is made up of 5 individuals: 1 chosen by City Council President, 1 by ACLU, 1 by BPD Commissioner, 2 by the Mayor with the requirement that 1 chosen by mayor be an academic representative with expertise in technology.

“Manually-operated, non-wearable, handheld digital cameras, audio recorders, and video recorders that are not designed to be used surreptitiously, that are used for non-law enforcement and non-investigatory purposes, and whose functionality is used for manually capturing and manually downloading video and/or audio recordings” is added in 16-63.3b2C and excludes the promotional videos and GoPro footage. “Devices exclusively capable of detecting radiation.” is added in 16-63.3b2O. This would apply to technology that is only used to detect radiation, rather than any technology that has the capability to detect radiation. The following new sections are added in 16-63.3b2, P and Q in exceptions and exemptions: P) Radio-frequency identification scanners (RFIDs) used for disaster patient tracking by the Boston Public Health Commission and Q) BPHC technology used to track BPHC owned or leased equipment and vehicles.

Added the BHA Police and the BPHC Police to the exigent circumstances section.

Added procedure in case the City Council does not approve the use of the proposed new surveillance capabilities in 16-63.3b4, 16-63.3c1. If the Council does not approve the use, the request is sent to the Surveillance Oversight Advisory Board, which will make recommendations to the Mayor. The mayor may then resubmit a modified request to the Council for approval. Add “within 60 days of submission. If the City Council does not approve the Surveillance Use Policy, the Policy shall be sent to the Surveillance Oversight Advisory Board who will make recommendations of improvement to the Mayor. Subsequent to receiving the recommendations from the Surveillance Oversight Advisory Board, the Mayor may at their discretion resubmit a modified request to the City Council for approval.” (16-63.3c4). This would require the Council to act on Surveillance Use Policy within 60 days of submission. If the Council does not act by then, the policy is sent to the Surveillance Oversight Advisory Board, which will make recommendations to the Mayor. The mayor may then resubmit a modified request to the Council for approval. Add “If the City Council declines to accept funds for Surveillance Technology the request to accept the funds shall be sent to the Surveillance Oversight Advisory Board who will make recommendations to the Mayor. Subsequent to receiving the recommendations from the Surveillance Oversight Advisory Board, the Mayor may at their discretion resubmit a modified request to the City Council for approval.” (16-63.3d). If the Council rejects the City’s request for funds related to surveillance technology, the matter will be sent to the Surveillance Oversight Advisory Board, which will make recommendations to the Mayor. The mayor may then resubmit a modified request to the Council for approval.

Add “The City Council shall have 60 days from the date of submission to approve or deny a request by majority vote for the acquisition or use of Surveillance Technology. If the City Council does not approve the acquisition or use of Surveillance technology the request shall be sent to the Surveillance Oversight Advisory Board who will make recommendations to the Mayor. Subsequent to receiving the recommendations from the Surveillance Oversight Advisory Board, the Mayor may at their discretion resubmit a modified request to the City Council for approval.” (16-63.3d2C). The Council has 60 days to approve acquisition/use of surveillance technology. If the council does not approve within 60 days or simply does not approve the use/acquisition, the matter will be sent to the Surveillance Oversight Advisory Board, which will make recommendations to the Mayor. The mayor may then resubmit a modified request to the Council for approval.

Modify to “A credible threat to the safety of the school arises that would amount to criminal conduct” (16-63.4a1B). The term “credible” was retained to make sure the policy is not too ambiguous. Modify to “A student is in possession of firearms and ammunition, or a dangerous weapon as listed in M.G. L. Chapter 269 section 10” (16-63.4a1C). Modify to “A student unlawfully possesses or uses controlled substances, provided those substances are not marijuana, nicotine, or alcohol, provided, however, that School Safety Specialists may collect, store and share information pertaining to unlawful distribution of alcohol or marijuana when a student has unlawfully distributed marijuana or alcohol on school grounds in excess of the following amounts: thirty (30) grams for marijuana and one (1) liter for alcohol.” (16-63.4a1D).

Add “Reports which involve allegations of parental/household abuse may also be withheld from students’ families if disclosure of the report is not in the best interest of the student. In cases of allegations of parental/household abuse, a copy of the Report shall be provided to

the student or a trusted adult of their choosing” (16-63.4a5A). This will protect students from abusive parents, while still allowing them to have a trusted adult present.

Add “Within 24 hours after the conclusion of the exigent circumstance or” which will allow a window of time (24 hours) in which BPD/BPS is not required to notify the student or family that a report was shared.

Add “Nothing in this section shall be construed to prevent or restrict reporting requirements around sexual assault, sexual abuse, and child abuse in accordance with Massachusetts General Laws.” (16-63.4i) which allows exemption for state mandated reporting in cases of sexual assault, sexual abuse, or abuse.

Add “Should the Council withdraw authorization for a previously approved surveillance technology, the Mayor may request that the Surveillance Oversight Advisory Board meet to discuss the City Council’s concerns and provide recommendations to the Mayor. The mayor at their discretion may resubmit a modified request to the City Council for approval.” in 16-63.5d. If the Council withdraws its authorization for a technology that was previously approved, the matter will be sent to the Surveillance Oversight Advisory Board, which will make recommendations to the Mayor. The mayor may then resubmit a modified request to the Council for approval.

Under 16-63.5, Annual Surveillance Report, a report is required within 18 months after the effective date of the ordinance and annually thereafter.

Add in “16-63.9 Establishment of a Surveillance, Data, and Privacy Working Group” section. This would create a separate working group that would work towards creating surveillance oversight mechanisms for every department not covered in this ordinance. Group seats must be filled within one month of ordinance passage and would need to produce its recommendations within one year of adoption of the ordinance. The group will include: 1 rep from New Urban Mechanics, 1 from DoIT, 1 from City Council President, 1 from ACLU, 1 from community chosen by SIM, and 1 chosen by Mayor. The group will dissolve after producing recommendations.

Rationale and Recommended Action:

The docket in its amended draft will provide protections on surveillance use, establishes transparency standards, community involvement, oversight of public funds while preserving the use of surveillance for public safety purposes. The docket in its amended version reflects a collaboration among the sponsors, the advocacy groups, and the Administration. Based upon testimony from a previous hearing and working sessions, there are proposed language changes to the docket which would narrow the scope of the surveillance oversight provisions to apply to seven City Departments or entities as follows: the Boston Police Department, the Boston Parks Department Park Rangers, Boston Public Schools, Boston Public Health Commission, Boston Housing Authority, Boston Municipal Protection Services, and the Office of Emergency Management. Changes to the definition section and applicability clauses to the surveillance oversight portions clarifying which departments would be affected have been added as well as changes providing certain exemptions to the Boston Housing Authority and the Boston Public Health Commission. There is also an addition to the exception section for technology used to track equipment and vehicles.


The docket in its amended draft maintains the objective of transparency when surveillance is used.

By the Chair of the Committee on Government Operations, to which the following was referred:

Docket #0397, ordinance on surveillance oversight and information sharing,

submits a report recommending that this docket **ought to pass in a new draft.**

For the Chair:

A handwritten signature in black ink that reads "Lydia Edwards". The signature is written in a cursive style with a large initial "L".

Lydia Edwards, Chair
Committee on Government Operations