

TOWN OF ARLINGTON
SURVEILLANCE STUDY GROUP

Meeting Minutes
Thursday, August 23, 2018
7:00 PM

Present: Mr. Nesterak, Mr. Revilak, Mr. Streitfeld, Mr. Funkhouser, Capt. Flaherty, Mr. Heim, Mr. Good.

1. Discussion: Acceptable and unacceptable uses of surveillance

Mr. Heim opened discussions with a review of the legal questions previously submitted by the Study Group, including a general landscape of search and seizure law relative to surveillance by law enforcement juxtaposed to state and federal laws regarding private surveillance. Specifically, it was noted that 4th and 14th Amendment jurisprudence and Massachusetts so-called “wiretap” laws regulate much of police surveillance activity and unwitting audio recording and provide mechanisms for assertion of civil rights thereunder.

Mr. Heim also discussed the distinctions between town and city forms of government and how that might impact the viability of recommendations the Study Group could make, especially with respect to the City of Somerville’s Executive Policy on Surveillance Technology (and the Cambridge City Council’s similar policy).

Mr. Streitfeld then lead a discussion of positive and negative uses of surveillance technology, outlining many of the potential public and private uses of data collected by various surveillance technologies. He noted the tensions between those uses and the potential for abuse of certain types of data.

The Group discussed the role of public records law in the use of surveillance technology and the potential public records exemptions that might be invoked to decline requests for Town surveillance data, including security exemptions, particularly for the public schools.

Mr. Nesterak and Mr. Good provided a summary of the volume, type, and general location of surveillance cameras relative to Town and School facilities.

It was suggested that the Group organized its discussion and recommendations into different categories of potential policies, including:

- Notice – What kind of surveillance technologies should the public be noticed are in use by the Town or APS?

- Use – What, if any additional policies should the Town have regarding the use of surveillance technology by differing Town entities?
- Technology – Are there any technologies which should be regulated by Town policies?
- Process- What processes, especially public input should be in place relative to certain uses and technologies?

The Group was particularly concerned with exploring processes.

2. Discussion & Vote: Areas the committee should explore to guide it in making its recommendations

The Group discussed the scope of its work – whether or not a policy, a Town ordinance, or some other measures were viable, and whether or not the Group should focus on private sector, other governmental entities, individual residents, and/or Town departments and entities.

The group determined that the focus should be limited to Town departments and entities with a goal of gathering conceptual recommendations by October 4th from the Group and issuing a final written report and recommendation by November 29th.

SO VOTED (7-0)

3. Scheduling Next Meeting

The next meeting will be on September 6, 2018 at 7:00 p.m.

Meetings were also tentatively set for September 20th, October 4th, October 18th, November 1st, November 15th, and November 29th at 7:00 p.m.

SO VOTED (7-0)

4. Other Business

The Group will take up certain administrative measures, including electing a chair for the group and clerk for Group minutes at its September 6, 2018 meeting.

The Study Group Adjourned at 9:00 p.m.

SO VOTED (7-0)

A true record: Attest

Douglas W. Heim
Study Group Member
Town Counsel

8/23/18

Agenda Item	Documents Used
1	Town Counsel Answers to Group Questions
1	Streitfeld Uses of Surveillance Memo
3	Somerville Executive Policy Re: Surveillance Technology