

Surveillance Study Committee  
Minutes for June 6, 2018

**Attending:** David Good (Information Technology), Julie Flaherty (Police Department), Doug Funkhouser, Jon Gersh, Christina Hildebidle, Gary Horowitz (Human Rights Commission), Sayed Khodier (Information Technology), Steve Nesterak (Facilities), Ian Pilarczyk, Stephen Revilak, Mark Streitfeld

**Documents Received:** Town Counsel provided a memorandum on the legal landscape affecting the use of surveillance equipment.

**Review of Inventory of Currently Utilized Surveillance Equipment.** Sayed Khodier provided an inventory of town-owned surveillance cameras

- Treasurer's office: 12 cameras
- Robbins Library: 16 cameras
- Central School: 5 cameras
- Highland Fire Station (undetermined number of cameras)
- Park Ave. Fire Station (undetermined number of cameras)
- Police Headquarters: 18 cameras
- Arlington High School: 29 cameras
- Veteran's Memorial Rink: 12 cameras
- Gibbs School (under construction, approx. 65 cameras expected)

Mr. Khodier believes the treasurer's office records video, but not audio. David Good stated it's common for installers to leave audio feeds disconnected out of concern for Massachusetts wiretap laws.

Mr. Khodier stated that most departments follow a 30-day retention schedule, because that's what they have capacity to store. There's not a town-wide retention policy.

A committee member asks if we know when these cameras were installed.

Arlington's Police Department installed their first cameras in 2008. Additional cameras were installed in 2016, when the public safety building was renovated. APD has signs to alert people that video recording is taking place. Not all departments do this.

The oldest camera installations are probably those in the treasurer's office and Robbin's library. Security cameras were added to the Central Fire Station when it was renovated.

The Veteran's Rink cameras were installed around five years ago. Some are interior and some are exterior.

All town cameras passively record footage; they are not actively monitored.

A committee member asks if camera footage a public record? Meeting attendees were not sure.

The Police or District Attorney can ask for (and obtain) copies of camera footage. We're not certain about anyone else.

David Good reports that he's only received video access requests from the police department, and from the school resource officer.

**Review of Other Municipal Laws/Ordinances Regarding Surveillance.** The committee discussed ordinances from Somerville, San Francisco, and Berkeley, CA.

The Berkeley ordinance categorizes body cameras as surveillance equipment; the Somerville ordinance excludes them. Both Berkeley and Somerville exempt cameras installed in public buildings. Somerville exempts traffic cameras.

There's discussion as to whether these policies are trying to distinguish between surveillance and security. The committee felt a need to define terms like surveillance, surveillance equipment, and security equipment. Is security a lock on a door, or a camera watching the door? What assets are being protected (e.g., people, the contents of a building, or the building itself)? A camera used for security might warrant a shorter retention period than one used for surveillance.

Intent is an important element of this discussion: what equipment will be used, where will it be used, why will it be used, how will it be used, and who will have access to the data?

Somerville's policy requires a plan for public notifications. The policy, however, omits a requirement that the public notification plan be carried out.

Different departments are likely to have different requirements for security and the use of surveillance equipment. The police department may fall into a separate category than the rest of the town (due to additional statutory requirements).

New camera acquisitions typically go through the purchasing and IT departments.

How do cameras affect teachers and students? There's a fair amount of case law that says students have few rights while in school (i.e., it would be difficult for a student to, say, claim that a camera invaded their privacy).

The San Francisco camera ordinance explicitly exempts cameras in schools. Somerville's ordinance doesn't mention schools, but they exempt cameras in public buildings. Presumably schools are considered public buildings.

The use of cameras in public buildings could be affected by collective bargaining agreements. We don't know if this would be the case in Arlington.

Regardless of whether the equipment is used for surveillance or security, there should be policies (but the policies can be different).

The committee wonders if Somerville's policy could be viable in Arlington, with Arlington's

form of town government. We'd need Town Counsel to answer this question. It would be helpful to understand the parameters around what we can do. Also, if the word "school" appeared in Somerville's policy, what impact would that have?

Officer Flaherty provided information on the police department's use of automatic license plate readers (ALPRs). APD asked other municipalities about their use of ALPR systems, and most of the feedback was negative. It's hard to get an ALPR system to run smoothly without in-house IT staff. APD has decided not to purchase an ALPR.

**Other Business.** The committee assigned itself several tasks for homework:

- Try to draft definitions for "security", "surveillance equipment", and such. In order to have a policy, we need to be able to say what's in scope and what's out of scope.
- Review Town Counsel's memorandum on the legal landscape affecting the use of surveillance equipment.

Stephen Revilak