

Surveillance Study Committee Minutes - Nov 15th, 2018

Attending: Doug Funkhouser, David Good, John Gersh, Christina Hildebidle, Sayed Khodier, Julie Flaherty, Steve Revilak, Doug Heim, Gary Horowitz.

Approval of Prior Minutes. Minutes from the Oct 30th meeting weren't available yet; we'll review them next time.

Comments on Policy Draft #2. The committee discussed comments made to the second version of the Draft Surveillance Policy.

The committee discussed the use of the word "modalities" in Section 1.1. Mr. Gersh added the term in the spirit of future-proofing, to accommodate technologies that don't yet exist. The committee felt future-proofing was worthwhile. We kept the term and amended the definition of Surveillance Equipment to include technologies that haven't been invented yet.

Mr. Heim suggested changes to Section 1.1, to clarify that the policy applied to warrantless recording.

The committee debated the use of the phrase "technical implementation" in Section 1.2. There was a general feeling that the policy needed to be broader than technical details. We struck the word technical, and tightened up some of the language in Section 1.2.

The committee discussed the phrase "Equipment may be located in any area managed by the town", and decided to move that sentence from Section 3.1 to section 3.2.

Mr. Heim proposed a new definition -- Passive Recording and Surveillance -- in Section 3. The committee liked the new definition, but was reluctant to include the word "passive". The general feeling was that active surveillance (e.g., an operator monitoring the output of a camera, perhaps as it was being recorded) should be subject to the provisions of the policy.

The committee discussed who should be able to authorize access to surveillance equipment or surveillance information (Section 4.1.2). We struck "or the Town Counsel" from the phrase "as determined by the Town Manager or his or her designee, or the Town Counsel". The thinking was that Town Counsel could be a designee of the Town Manager, and didn't need to be listed explicitly.

The committee chose to strike the sentence "The town should not deploy surveillance equipment just because it can" from Section 4.2.4, on belief that this sentence was redundant with the previous one.

The committee discussed the Management and Operations aspects in Section 5, particularly the request to add a refresher provision to 5.1.1. Committee members agreed that periodic re-

exposure to the policy could be beneficial, and there is precedent for this in the Town. For example, the Town's sexual harassment policy is distributed to all employees twice a year. The committee would like to ensure compliance, but does not wish to create an undue burden for the town. Mr. Heim and Ms. Flaherty brought up the subject of collective bargaining agreements; it may not be possible to add new employee responsibilities in cases where those responsibilities are already specified by collective bargaining agreements.

Mr. Heim proposed new wording for section 5.1.2.1, which would list the set of classes identified in the Town's Human Rights Bylaw. Committee members debated the merits of having a specific list of classes vs. having a more general anti-discrimination clause. There were also questions as to whether 5.1.2.1 was redundant with Section 4.2.3. More discussion is needed here.

The committee discussed the topic of notice, as it appears in Section 6.2.1. There was debate about whether to provide specific language for signs, or whether to provide sample language that could be tailored as needed. Mr. Funkhouser offered to revise the wording in 6.2.1.

The committee discussed who should be authorized to release recorded information. The committee felt that a designee of the town manager should have the ability to authorize release (as opposed to requiring authorization to come directly from the Town Manager). For example, the committee felt that the town's public records officer (acting as town manager designee) should be able to release recorded material subject to Massachusetts public records laws.

The committee liked the new section on reporting (Section 6.6). John Gersh wanted to expand this section, and will work on additional provisions.

Mr. Heim suggested a thirty-day period of public notice for Section 7. Revocation would likely be discussed at a Select Board meeting, and thirty days is an adequate amount of time to bring such matters before the Board.

Mr. Heim suggested having a thirty-day period for the policy to become effective (Section 8.1).

The committee suggested shortening the language of the Severability clause (Section 9.1), for concision.

Other Business. The committee had no other business to discuss.

Adjournment. Meeting adjourned at approximately 9:00pm.