



CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

October 29, 2020

REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

Attendee Name	Title	Status	Arrived
Lance L. Davis	Chair	Present	
Mark Niedergang	Vice Chair	Present	
Ben Ewen-Campen	Ward Three City Councilor	Present	
Matthew McLaughlin	Ward One City Councilor	Present	
Jesse Clingan	Ward Four City Councilor	Present	

Others present: Lt. Jeff DiGregorio - SPD, Lt. Tim Mitsakis - SPD, David Shapiro - Law, Shannon Phillips - Law, Khushbu Webber - Director of Governmental Affairs, Peter Forcellese - Legislative Clerk.

The meeting took place virtually via GoToWebinar and was called to order at 6:06 PM by Chairman Davis and adjourned at 8:01 PM on a roll call vote of 5 in favor (Councilors Clingan, McLaughlin, Ewen-Campen, Niedergang and Davis), none against and none absent.

Approval of the October 1, 2020 Minutes

The minutes were accepted on a roll call vote of 5 in favor (Councilors Clingan, McLaughlin, Ewen-Campen, Niedergang and Davis), none against and none absent.

RESULT:	ACCEPTED
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Surveillance Ordinance

209592: Requesting approval of the Surveillance Technology General Use Policy.

This ordinance requires that an impact report be submitted to the City Council for each surveillance use being undertaken. Chair Davis wants to concentrate on the list of approved uses and believes that the City Council has the authority to deny any listed use and he would like language added to make that clear, as he doesn't want the uses to be deemed automatic and beyond the Council's scope of authority. Ms. Webber has no problem including the language. She also informed the members that the remaining seven impact reports will be submitted at the next City Council meeting.

RESULT:	KEPT IN COMMITTEE
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209639: That the Administration work with the Committee on Legislative Matters to

consider revisions to the Surveillance Technology Ordinance.

See item 209592

RESULT:

KEPT IN COMMITTEE

210788: Requesting approval of the Surveillance Technology Impact Report for Homeland Security Cameras.

Lt. DiGregorio explained that there are about 30 cameras on public roadways throughout the city and were installed post 911 to monitor evacuation routes. These cameras are now used to monitor traffic however, they could be used for surveillance if need be. They are overseen by the Boston office of Homeland Security and SPD Lt. Mitsakis. An authorized login is required to access any video, which is written over after 30 days. The cameras may be relocated but the Office of Emergency Management (OEM) must be provided with a reason for the move. Lt. Mitsakis responded to questions from the members.

Councilor Ewen-Campen said that he and the ACLU submitted questions, which he would like answered in writing. He asked who owns and operates the cameras and Lt. Mitsakis replied that Homeland Security funds were used to purchase the cameras, however they are owned and operated by OEM, based in Boston. Councilor Ewen-Campen asked who has access to the data/video and if it must be accessed from Somerville. He was informed that access has to be obtained in Somerville and Councilor Ewen-Campen requested a copy of the documents stating that. He also requested a list of personnel who has access to the footage along with a 30-day audit of sign-ins, accompanied by a reason for each occurrence.

Councilor Ewen-Campen asked about training and Lt. Mitsakis replied that training is minimal and is provided by Lantel, on-site, adding that there is no training manual. Chair Davis thinks that the training should ensure that the cameras are only used under the guidelines of a clear policy.

Councilor Ewen-Campen asked for sample images from each camera. He also asked who decides how the footage is used and was told that it may be used by various departments, e.g., Traffic Department, via the department supervisor, for a law enforcement reason. All request must go through the Lt. Mitsakis.

Councilor Ewen-Campen suggested changing the report format to include provisions that would provide answers to the questions he posed. Lt. Mitsakis told the committee that the cameras have been in use for about 16 years and he is not aware of any complaints about their usage. Councilor Niedergang commented that the impact reports are a good way to inform the public about the reasons for using the cameras.

RESULT:

KEPT IN COMMITTEE

210789: Requesting approval of the Surveillance Technology Impact Report for GLX Cameras.

There are four cameras on the same system as the Homeland Security Cameras but these four are dedicated for GLX use and paid for by the city. They have not been used for any law enforcement matters. Councilor Ewen-Campen commented that the following “purposes” should be indicated on the cover page: “Identifying, apprehending, and prosecuting criminal offenders.” and “Gathering evidence of violations of any law in criminal, civil, and administrative proceedings.” He also requested a list of personnel who has access to the footage along with a 30-day audit of sign-ins,

accompanied by a reason for each occurrence. Chair Davis thinks that the training should ensure that the cameras are only used under the guidelines of a clear policy.

RESULT:

KEPT IN COMMITTEE

210790: Requesting approval of the Surveillance Technology Impact Report for 911.

This system uses land lines, therefore it provides a means to access the physical address of a caller. Cell phone calls and texts only provide a general location of the caller, which can be narrowed down by contacting providers who could access cell tower information. Access to recordings is limited to specific personnel within the Police Department. Chair Davis asked that section 3-a of the impact report be revised to be more specific regarding who has access to the data.

RESULT:

KEPT IN COMMITTEE

210791: Requesting approval of the Surveillance Technology Impact Report for ShotSpotter.

ShotSpotter equipment is set up in areas to provide one square mile of coverage. The system works by listening and analyzing sounds and then reporting on those that sound like gunshots, providing an approximate location of where the sound originated from. ShotSpotter has been in use in the city for about 10 years. Two incidents led to arrests and might have saved lives. The exact locations of the ShotSpotter equipment are unknown although the general areas of the installations were provided by the SPD. Equipment is installed under agreements with homeowners/businesses and there is no cost to the city for this program. Councilor McLaughlin asked about confusion from fireworks and Lt. Mitsakis replied that the software gets tweaked around the 4th of July each year, making it fairly accurate in distinguishing fireworks from gunshots.

RESULT:

KEPT IN COMMITTEE

Other Topics

210719: That the provisions of Sec. 8-3(1) be amended by changing "for not less than a twelve month period" to "not less than a one month period"

Councilor Niedergang supports a one-month period and asked if the annual reporting requirement should also be changed to monthly reporting. Mr. Shapiro agrees. Ms. Webber asked that the committee wait on putting forth this amendment to allow time for ISD and the City Treasurer to be consulted for any implications. Mr. Shapiro feels it's appropriate for staff to weigh in before making the change. Chair Davis asked that the Administration review this as quickly as possible so the item may be moved forward.

210291: That the City Solicitor draft an ordinance, prior to this Council's June 25 meeting, banning racial profiling.

Ms. Phillips has discussed this item with Councilor Mbah, Councilor Scott and Chief Labor Counsel Julie McKenzie. She said that Councilor Mbah received feedback from the ACLU and there are a few policy discussions that need to take place, but a draft is about 95% complete.

RESULT:

KEPT IN COMMITTEE

210736: That the City Solicitor draft an Ordinance banning the use of tear gas by the Police Department and other law enforcement agencies operating in Somerville.

Councilor Ewen-Campen provided some background on the item, saying that tear gas is banned during war by the Geneva Convention. A measure at the state level to ban tear gas was unsuccessful, so he would like to codify the ban by city ordinance. Ms. Phillips will research the matter and return with a draft. Councilor McLaughlin would like to know from the SPD whether tear gas has been used in the past and also what might be used in its place.

RESULT:

KEPT IN COMMITTEE

210742: That the City Solicitor draft an ordinance similar to Boston's PILOT ordinance, formalizing payments in lieu of taxes to create a fair and transparent system of taxation for large tax-exempt non-profit organizations.

Mr. Shapiro communicated with one of the City of Boston's attorneys regarding this issue. Councilor McLaughlin stated that this ordinance would strengthen an existing ordinance. He's trying to formalize Somerville's PILOT ordinance to eliminate individual negotiations to settle on amounts. He wants to lay out what is expected from a PILOT agreement without negotiating each time. Councilor Niedergang is on board with the 20% level and asked Mr. Shapiro to provide the members with a copy of Boston's ordinance. He believes that Boston has a different relationship with non-profits than Somerville does, i.e., Boston can force imposition whereas Somerville can't. Councilor McLaughlin explained that there are state laws that protect many non-profits, but putting this forward will let it be known that this is how Somerville wants to proceed. Mr. Shapiro will prepare a draft for the committee's review.

RESULT:

KEPT IN COMMITTEE

210235: Calling upon this Council to create a Police Commission and a Community Police Review Agency.

Chair Davis gave an update on this item, saying that four interviews have been conducted to fill the two relevant positions with more interviews scheduled. He hopes that the process can get underway in about a month.

RESULT:

KEPT IN COMMITTEE

208703: Requesting approval of a Home Rule Petition to authorize the City to appoint Police Cadets under certain circumstances.

This item was dropped from the FY-21 budget during the last round of budget meetings. Councilor Niedergang said he always thought that the concept of this was a great idea and he

asked if the Administration might re-introduce the program. Ms. Webber said that she would discuss it, but for now, it appears to be on the back burner.

RESULT:	PLACED ON FILE. [UNANIMOUS]
AYES:	Davis, Niedergang, Ewen-Campen, McLaughlin, Clingan

209377: That the City Solicitor draft an ordinance to ban the sale of alcohol in containers up to 100 milliliters, including "nips," to enhance public health and reduce litter, plastic use, and public drunkenness.

Chair Davis noted that there is a similar item in the Public Health and Public Safety Committee and Councilor Niedergang thinks it would be good legislation, but not worth pursuing at this time.

RESULT:	PLACED ON FILE. [UNANIMOUS]
AYES:	Davis, Niedergang, Ewen-Campen, McLaughlin, Clingan

Handouts:

- Surveillance Technology Impact Report - Requests for Information (with 209592, 209639, 210788, 210789)
- ACLU questions - Somerville STIR 10-29 (with 209592, 209639, 210788, 210789)