



CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES

February 18, 2021
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	Absent	

The meeting was held via GoToWebinar and was called to order by Chair Davis at 6:06pm and adjourned at 7:52pm.

Councilor Clingan was absent due to attending the Confirmation of Appointments and Personnel Matters Committee meeting at the same time. Councilor McLaughlin stepped out to attend the Planning Board meeting.

Others present: Lauren Racaniello - Mayor's Office; David Shapiro - Law; Lieutenant (Lt.) Jeff DiGregorio - Police; Eric Solomine - Law

Approval of the February 4, 2021 Minutes

RESULT:	ACCEPTED
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209639: That the Administration work with the Committee on Legislative Matters to consider revisions to the Surveillance Technology Ordinance.

RESULT:	KEPT IN COMMITTEE
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211312: Requesting an amendment to the Surveillance Technology Ordinance to permit the Fire Department to use surveillance technology in exigent circumstances.

Chair Davis provided the background that there is imaging technology that could benefit the Fire Department, and the Chief wanted to ensure that the department would not be prohibited from using it. Ms. Racaniello confirmed that the request is in anticipation of emergency situations; this technology is not regularly in use. If the technology was used, the department would provide the reports as required. Councilor Ewen-Campen added that the powers are already granted to the Chief of Police, and this would allow the Fire Chief the same permissions, in exigent circumstances.

RESULT:	APPROVED. [UNANIMOUS]
AYES:	Davis, Niedergang, Ewen-Campen, McLaughlin
ABSENT:	Clingan

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

See 211277.

RESULT:	PLACED ON FILE
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211277: Requesting approval of the Surveillance Technology Use Policy.

Ms. Racaniello explained that the changes to the exigent circumstances language is to ensure that the policy mirrors the ordinance. Other changes are to include detail in the policy to reflect the ordinance language to require reporting, to include language in the impact reports noting when a warrant is required, and to fix references to the use policy within the ordinance.

Chair Davis asked about the language in Section 3, E, which notes "No Sound Recordings: The cameras record images only and do not capture or record sound", and wondered whether the statement is a fact or whether the policy should explicitly state that sound will not be recorded, in which case it would read "shall not capture sound". Ms. Racaniello noted that each impact report would specify whether its use did include sound. Lt. DiGregorio explained that recording audio would fall under the wiretap statute, and the cameras do not have the ability to record sound. Chair Davis also asked about Section 4 and suggested that the inclusion of authorized department personnel among those who may be allowed to monitor the cameras, seems broad and may not provide the detailed transparency that is the goal. Lt. DiGregorio elaborated that the cameras are on the same server, and to differentiate access would make it difficult to perform duties such as monitoring prisoners. The impact reports will be more specific in detailing the individuals with access.

Regarding Section 5, A, Chair Davis noted that the language is also broad, and suggested adding something to the effect of "as specifically set forth in the applicable Surveillance Technology Impact Report" at the end of the sentence. Ms. Racaniello and Lt. DiGregorio agreed that it would not affect the nature of the policy and they will make that change. Chair Davis also pointed out that in Section 5, C, everything after the words "court order" have already been addressed by the exigent circumstances section. Ms. Racaniello will address that change as well. The last concern Chair Davis raised was the line stating that "Nothing in this section shall prohibit the use of a camera's pan-tilt-zoom capacity." Ms. Racaniello clarified that the intention is to ensure pan-tilt zoom is not fully prohibited; it would still need to fall into the authorized categories. Lt. DiGregorio noted that this was derived from the Police Department's internal policy. Ms. Racaniello suggested that qualifying language could be included to clarify the prohibition to be consistent with the ordinance and this section.

Chair Davis moved to approve the Surveillance Technology Use Policy with the changes discussed.

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	Davis, Niedergang, Ewen-Campen, McLaughlin
ABSENT:	Clingan

211278: Requesting approval of the Surveillance Technology Impact Report for Pole Cameras.

RESULT:	APPROVED. [UNANIMOUS]
AYES:	Davis, Niedergang, Ewen-Campen, McLaughlin
ABSENT:	Clingan

211279: Requesting approval of the Surveillance Technology Impact Report for Homeland Security Cameras.

RESULT:	APPROVED. [UNANIMOUS]
AYES:	Davis, Niedergang, Ewen-Campen, McLaughlin
ABSENT:	Clingan

211280: Requesting approval of the Surveillance Technology Impact Report for GLX Cameras.

RESULT:	APPROVED. [UNANIMOUS]
AYES:	Davis, Niedergang, Ewen-Campen, McLaughlin
ABSENT:	Clingan

211281: Requesting approval of the Surveillance Technology Impact Report for Covert Device Cameras.

RESULT:	APPROVED. [UNANIMOUS]
AYES:	Davis, Niedergang, Ewen-Campen, McLaughlin
ABSENT:	Clingan

211282: Requesting approval of the Surveillance Technology Impact Report for GPS and Monitor.

RESULT:	APPROVED. [UNANIMOUS]
AYES:	Davis, Niedergang, Ewen-Campen, McLaughlin
ABSENT:	Clingan

211283: Requesting approval of the Surveillance Technology Impact Report for Thermal

Imaging Cameras.

Councilor Ewen-Campen noted that this is a new Impact Report from the Fire Department.

Ms. Racaniello added that the Fire Chief is attending the Confirmation of Appointments and Personnel Matters meeting this evening and is unable to attend to speak on this report. Councilor Ewen-Campen asked for clarification that this technology was used exclusively for the Fire Department, and not to support a Police investigation. Ms. Racaniello confirmed that the use of this technology is only authorized for the Fire Department. Ms. Racaniello also noted that there is no data sharing with third parties, including another department, as no data are stored.

RESULT:	APPROVED. [UNANIMOUS]
AYES:	Davis, Niedergang, Ewen-Campen
ABSENT:	McLaughlin, Clingan

211310: Requesting approval of the Surveillance Technology Impact Report for GreyKey.

Councilor Ewen-Campen shared the document with changes, noting that the updates include listing the agencies that the department can access the technology through. Further, the authorized use includes clarification of the case law and what can and cannot be accessed. Councilor Ewen-Campen also emphasized that this technology could be very easy to abuse, and the report was changed to include more details around training, as well as storage of the information. With these guard-rails in place, this is an important technology to have available.

RESULT:	APPROVED. [UNANIMOUS]
AYES:	Davis, Niedergang, Ewen-Campen, McLaughlin
ABSENT:	Clingan

211260: That the City Solicitor prepare legislation revoking the enabling legislation for the Police Reserve List.

Ms. Racaniello expressed the concern that there are individuals at varying stages of the hiring process, and the administration would like to better understand the impact on those individuals to ensure that they are protected. There is one individual on the Police Reserve list, and two candidates recommended for confirmation to that list, with other candidates pending. There is also a certification for 10 positions on the Fire Reserve list. Mr. Shapiro will further research how to address these concerns. Councilor McLaughlin added that representatives from the Firefighters Union also expressed concerns and would like to appear before the Committee to share their position. Some of their suggestions were to limit the number of individuals who could be on a reserve list, and to set the expiration of the list when a new exam is conducted. Councilor Niedergang asked for clarification on the recommended to the Police Reserve list, and whether that is a recommendation for hire. He agreed that it is important to not harm any individuals in the process of making this change.

RESULT:	KEPT IN COMMITTEE
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211261: That the City Solicitor prepare legislation revoking the enabling legislation for the Fire Reserve List.

See 211260.

RESULT:

KEPT IN COMMITTEE

211318: Requesting rescission of the adoption of MGL Chapter 48 Sections 59B, 59C and 59D relative to a Reserve Fire Force.

See 211260.

RESULT:

KEPT IN COMMITTEE

211319: Requesting rescission of the adoption of MGL Chapter 147 Sections 11, 12 and 13 relative to a Reserve Police Force.

See 211260.

RESULT:

KEPT IN COMMITTEE

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

Councilor Ewen-Campen shared the background that the advocacy around racial justice and policing led to many proposals over the summer, and one of the specific commitments that the City Council made was to undertake the creation of a civilian review process. This is a legislative act, and one of many things that the City is pursuing. The body would be empowered to review and investigate complaints and concerns, and possibly be more broadly involved in other areas such as policy, training, and hiring. There are many details to be determined. There is an active concern about getting many different voices to the table to create this entity, to ensure that it can achieve the value that comes with widespread buy-in. The City Council will be hiring two staff members, a policy researcher and an outreach coordinator, to further these efforts. March 24 is tentatively scheduled for an initial public meeting. A series of smaller meetings will follow to allow for in depth feedback as the legislation is drafted.

RESULT:

KEPT IN COMMITTEE

211178: That the City Solicitor draft a home rule petition to change all pronouns in the City Charter and the City Ordinances to gender-neutral.

Chair Davis shared that the process to change the City's charter requires the permission of the legislature through a Home Rule Petition. Mr. Shapiro clarified that the charter is the document that will be reviewed this evening, and the ordinances will be addressed separately. Mr. Solomine shared the charter document, noting that the changes included: removing pronouns where grammatically correct to do so; changing he and his to they and their; or changing the pronoun to instead refer to the proper noun (e.g. the Mayor). The names of titles such as Chairman were also changed to neutral options such as Chairperson. Mr. Shapiro also highlighted some confusing language in Section 17 (Powers and duties of city council) that he will further refine for clarity.

Chair Davis moved that the committee recommend adopting the changes and accepting the Home Rule Petition as provided by the Solicitor's Office. The motion was approved on a roll call vote of 4 in favor (McLaughlin, Ewen-Campen, Niedergang, Davis), 1 absent (Clingan), and 0 opposed.

RESULT:

WORK COMPLETED

211197: That the City Solicitor draft language to change all pronouns in the city's ordinances to gender-neutral.

See 211178.

RESULT:

KEPT IN COMMITTEE

Referenced Materials:

- Surveillance Technology Use Policy with Changes 2.16 (with 211277)
- Impact Report - GreyKey with Highlights 2.16 (with 211310)
- 2021-Surveillance Technology amendments (with 211312)
- City Charter Divisions 1 and 2 -- 2-18-2021 (with 211178)
- HRP-Gender Neutral 2-18-2021 (with 211178)
- Order-Charter gender neutral 2-18-2021 (with 211178)