



CITY OF SOMERVILLE, MASSACHUSETTS
JOSEPH A. CURTATONE
MAYOR

EXECUTIVE POLICY

October 4, 2017

By the power vested in me as Mayor of the City of Somerville, it is hereby ordered the following Executive Policy be implemented immediately:

POLICY ON SURVEILLANCE TECHNOLOGY

I. Definitions

- A. "Data management protocols" generally means procedures governing how data collected by surveillance equipment will be retained, stored, indexed and accessed.
- B. "Operational protocols" generally means procedures governing how and when surveillance equipment may be used and by whom.
- C. "Surveillance equipment" means equipment capable of capturing or recording data, including images, videos, photographs or audio but not including traffic counts or similar data with no identifying information, operated by or at the direction of a City department that may deliberately or inadvertently capture activities of individuals on public or private property, regardless of whether "masking" or other technology might be used to obscure or prevent the equipment from capturing certain views. "Surveillance equipment" includes drones or unmanned aircraft and any attached equipment used to collect data.
- D. "Surveillance equipment" does not include a handheld or body-worn device, a camera installed in or on a police vehicle, a camera installed in or on any vehicle or along a public right-of-way intended to record traffic patterns and/or traffic violations, a camera intended to record activity inside or at the entrances to City buildings for security purposes, or a camera installed to monitor and protect the physical integrity of City infrastructure.

II. Mayor Approval for City Department Acquisition and Operations of Surveillance Equipment

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- A. Any City department intending to acquire surveillance equipment shall obtain Mayor approval prior to acquisition, subject to appropriation by the Board of Aldermen. Prior to deployment or installation of the surveillance equipment, City departments shall obtain Mayor approval of operational protocols. Requests for approval and supporting documentation shall be posted on the City's website upon submission to the Mayor. In requesting approval for acquisition of surveillance equipment, City departments shall include proposed operational protocols containing the following information for the Mayor's consideration, along with any other information specifically requested by the Mayor:
1. A clear statement describing the purpose and use of the proposed surveillance equipment.
 2. The type of surveillance equipment to be acquired and used.
 3. The intended specific location of such surveillance equipment if fixed to a building or other structure.
 4. How and when a department proposes to use the surveillance equipment, such as whether the equipment will be operated continuously or used only under specific circumstances, and whether the equipment will be installed permanently or temporarily.
 5. A description of the privacy and anonymity rights affected and a mitigation plan describing how the department's use of the equipment will be regulated to protect privacy, anonymity, and limit the risk of potential abuse.
 6. A description of how and when data will be collected and retained and who will have access to any data captured by the surveillance equipment.
 7. The extent to which activity will be monitored in real time as data is being captured and the extent to which monitoring of historically recorded information will occur.
 8. Public notification plan for each community in which the department intends to use the surveillance equipment that includes opportunity for public meetings.
 9. If a department is requesting to acquire or use drones or other unmanned aircraft, it shall propose the specific circumstances under which they may be deployed, along with clearly articulated authorization protocols.
 10. If more than one department will have access to the surveillance equipment or the data captured by it, a lead department shall be identified that is responsible for maintaining the equipment and ensuring compliance with all related protocols. If the lead department intends to delegate any related responsibilities to other departments and City personnel, these responsibilities and associated departments and personnel shall be clearly identified.
 11. Whether a department intends to share access to the surveillance equipment or the collected data with any other government entity.

12. A description of the training to be provided to operators or users of the surveillance equipment.

- B. Upon review of the information required under this Section, and any other information deemed relevant by the Mayor, the Mayor may approve the acquisition and operation of surveillance equipment, approve the acquisition of surveillance equipment and require future Mayor approval for operations, deny the acquisition or use of surveillance equipment for the purpose proposed, or take other actions.

III. Mayoral Approval for Data Management Protocols for Surveillance Equipment

- A. Prior to operating surveillance equipment acquired after the effective date of this policy, City departments shall submit written protocols for managing data collected by surveillance equipment to the Mayor. The Mayor may require that any or all data management protocols required under this Section be approved. Subject to Massachusetts Public Record Law, these data management protocols shall address the following:

1. The time period for which any data collected by surveillance equipment will be retained.
2. The methods for storing recorded information, including how the data is to be labeled or indexed.
3. How the data may be accessed, including who will be responsible for authorizing access, who will be allowed to request access, and acceptable reasons for requesting access.
4. A viewer's log or other comparable method to track viewings of any data captured or collected by the surveillance equipment, including the date, time, the individuals involved, and the reason(s) for viewing the records.
5. A description of the individuals who have authority to obtain copies of the records and how the existence and location of copies will be tracked.
6. A general description of the system that will be used to store the data.
7. A description of the unit or individuals responsible for ensuring compliance with this section and when and how compliance audits will be conducted.

IV. Use of Surveillance Equipment Related to Law Enforcement Investigations

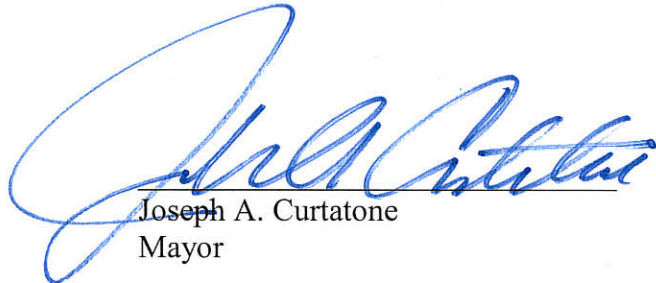
- A. Notwithstanding the provisions of this policy, the Somerville Police Department may use surveillance equipment on a temporary basis for the purpose of a criminal investigation supported by reasonable suspicion with supervisory authority, pursuant to a lawfully issued search warrant, under exigent circumstances as defined in case law, or when the Chief of Police finds, subject to approval of the Mayor, that compelling circumstances in the public interest warrant use of certain technology on a temporary basis. Temporary use of surveillance equipment under this exemption shall not exceed 30 days. This exemption from the provisions of this policy does not apply to surveillance cameras mounted on drones or other unmanned aircraft.

V. Protocols for Surveillance Equipment Predating this Policy

- A. Unless the Mayor previously approved operational protocols for department surveillance equipment, each City department operating surveillance equipment prior to the effective date of this policy shall adopt written operational protocols consistent with this policy no later than one hundred and twenty days following the effective date of this policy and submit these protocols to the Mayor for review and approval.
- B. Unless the Mayor previously approved data management protocols for department surveillance equipment, each City department operating surveillance equipment prior to the effective date of this policy shall adopt written data management protocols consistent with this policy no later than one hundred and twenty days following the effective date of this policy and submit these protocols to the Mayor for review and approval.

VI. Effective Date and Implementation Review

Following one year after the effective date of this policy, the Mayor will review implementation as it applies to City department use of surveillance equipment. This policy shall take effect and be in force thirty days after its approval by the Mayor.



Joseph A. Curtatone
Mayor