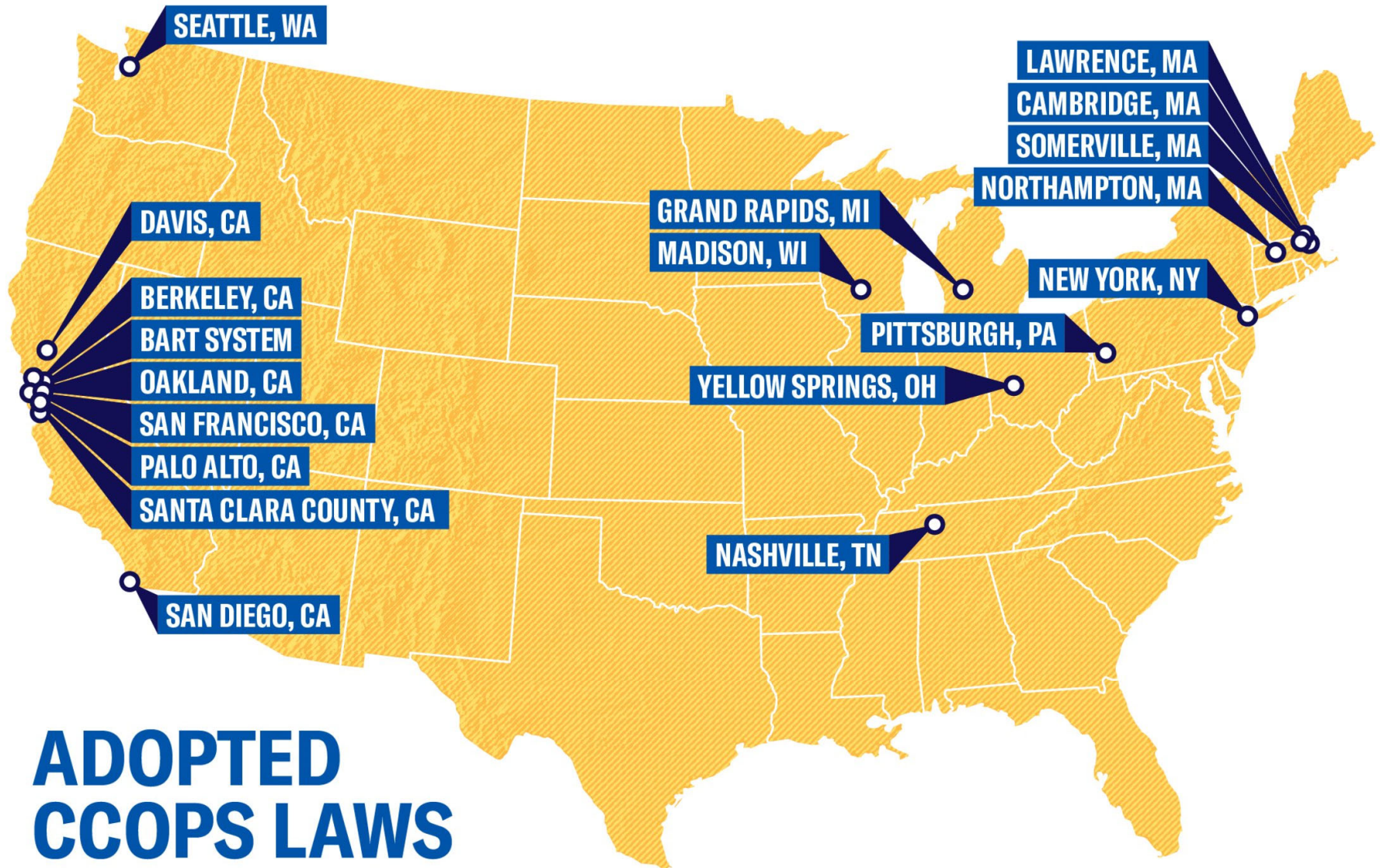


Municipal Surveillance Law

A survey of the issues and regulatory approaches

Surveillance oversight approaches

- Surveillance policymaking by procurement
 - No or limited public engagement
 - Often leads to controversy, can lead to crisis
- Surveillance oversight and transparency laws
 - In place in Boston, Cambridge, Somerville, and Lawrence, as well as cities nationwide
 - Center transparency and public accountability
 - Require city council buy-in before procurement
 - Invite expert and community input, to balance contractor claims
 - Govern police relationships with private surveillance companies like Amazon's Ring



ADOPTED CCOPS LAWS

Facial surveillance

- Special risks to privacy, freedoms of speech/association/religion, racial justice, due process
- Accuracy and bias problems
- Subject of nationwide movement to prohibit or limit government use
- Key moment for lawmakers to take democratic control of burgeoning surveillance tool
- Prevent dragnet surveillance like we see in China and Russia

Facial surveillance

1. Surveillance and tracking
2. Emotion/affect analysis
3. Image matching in criminal investigations

Municipal bans on
government use of
face surveillance

- Dozens nationwide
- In Massachusetts:
 - Boston
 - Brookline
 - Cambridge
 - Easthampton
 - Northampton
 - Somerville
 - Springfield
 - Worcester

Massachusetts state law

- Initial regulations established in 2020 police reform law
 - Centralized at State Police
 - Court order required
 - No due process protections, no warrant requirement
 - Not explicit about prohibiting surveillance and affect recognition
- Regulations do not apply to non-police government agencies
- ACLU working to strengthen regulations to ensure they protect civil rights and apply to government broadly (S.47/H.135)

Possible municipal law reform in Newton

- Surveillance oversight ordinance
 - Vet all existing surveillance technologies and agreements
 - Provide transparency and accountability for existing and future technologies
 - Ensure policies align with Newton's values
- Face surveillance ban
 - Prohibit the use of face surveillance in schools, libraries, public parks
 - Police use subject to statewide regulations
 - Join statewide and national movement pushing for democratic control of new surveillance technology