

Chairperson
Aaron Richman

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Cara Berg Powers

Clerk
Elizabeth O'Callahan



**City of Worcester
Human Rights Commission**

Members:
Lilian Chukwurah
Robyn Kennedy
Jose Medina Santos
Luis Portillo Reyes
Edward G. Robinson
Jacqueline Yang

**Monthly Meeting Summary – Monday, August 6th, 2018, 6pm
Worcester City Hall, Levi Lincoln Chamber, 4th Floor, 455 Main St., Worcester, MA**

Members present: Aaron Richman, Robyn Kennedy, Elizabeth O'Callahan, Edward Robinson, Jacqueline Yang

Members absent: Jose Medina Santos, Luis Portilo Reye, Lilian Chukwurah

Staff: Jayna Turcek, Michelle Santana

1. Call to order and introductions

A quorum was established and Chairperson Richman called the meeting to order at 6:15pm. Commissioners introduced themselves. The Chairperson welcomed the Commissioners and those present.

2. Approval of July 9th, 2018 meeting minutes

Commissioner Robinson motioned to approve the minutes as amended. Commissioner Kennedy seconded. Motion passed with all in favor.

3. New Business:

A. Presentation of model ordinance covering community control over police surveillance (CCOPS) (Chris Robarge, ACLU)

Chris Robarge from Central Mass Field Coordinator of ACLU of Central Massachusetts spoke to the Commission regarding an ordinance slated to be introduced to City Council in October. Given the relevance to current work of the Human Rights Commission, Mr. Robarge asked commissioners to consider using its advisory role to support this ordinance

- Model Ordinance: <https://www.aclu.org/files/communitycontrol/ACLU-Local-Surveillance-Technology-Model-City-Council-Bill-January-2017.pdf>
- A fact sheet outlining Guiding principles: <https://www.aclu.org/fact-sheet/ccops-guiding-principles>

Guiding Principles:

- Surveillance technologies should not be funded, acquired, or used without express city council approval
- Local communities should play a significant and meaningful role in determining if and how surveillance technologies are funded, acquired, or used
- The process for considering the use of surveillance technologies should be transparent and well-informed



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- The use of surveillance technologies should not be approved generally; approvals, if provided, should be for specific technologies and specific, limited uses
- Surveillance technologies should not be funded, acquired, or used without addressing their potential impact on civil rights and civil liberties
- Surveillance technologies should not be funded, acquired, or used without considering their financial impact
- To verify legal compliance, surveillance technology use and deployment data should be reported publicly on an annual basis
- City council approval should be required for all surveillance technologies and uses; there should be no “grandfathering” for technologies currently in use

Rationale:

- Without this ordinance, surveillance technologies can and have been put in place without oversight or public knowledge as to their intended use, scope, data storage, data access, privacy protections, who the information is shared with, and how it is potentially augmented by other surveillance technology.
- The Community Control Over Police Surveillance ordinance seeks to set up protocols to ensure transparency, oversight and the protection of civil liberties of all city residents
- 4th Amendment Protections: By creating protocols that create transparency and protect victims, with public input and oversight, this ordinance can protect 4th amendment rights

Current Relevant Surveillance Technologies:

- Stationary Automatic License Plate Readers (ALPR’s)
- Extensive Network of Public and Private Cameras
- Proposal to install additional cameras in Worcester Public Schools
- Real-Time Crime Center in Police Station
- Shot Spotter

Camera Network Without the Proposed CCOPS Ordinance

- Network of hundreds of cameras, with hundreds of additional private cameras made available are capable of potentially surveilling individuals for the majority of their day
 - Those living/working in public housing, driving on roads and attending/working in Worcester public schools surveilled
 - Individuals potentially have their movements tracked
- Camera output sent to real time center in police station
- No public knowledge or oversight of how cameras are used, or if they are used in conjunction with facial recognition or other surveillance or predictive software
- No knowledge of who data is shared with, or under what circumstances
- No knowledge on data storage: how it’s stored, kept for, protected, accessed, etc.
- No knowledge of protection of victims of domestic violence and other vulnerable groups

Automatic License Plate Readers (ALBR’s) without the ordinance

- ALBR’s read license plates optically and are usually mounted on police cars.
- “Software can retain up to 120,000 license plate reads”
(source: <http://www.telegram.com/article/20150605/news/150609387>)
- A pilot on police cruisers was discontinued several years ago for unknown reasons
- The Worcester Police Department has since installed stationary ALPR’s starting in 2015
- Known ALBR locations: Grafton Street, Lincoln Street, Greenhill Park.
- Additional ALPR’s stationed around the city in undisclosed locations.

Process Without the Ordinance:

Mr. Robage outlined the process the police department went through to obtain ALPR’s:

- The Worcester Police Department applied for and received a Byrne Grant
- Received funding totalling \$125,000
- Mr. Robage noted the funding from this grant could have instead funded body cameras
- City council voted on whether to accept funding

- No review of the technology as outlined in the proposed CCOPS ordinance
- No public approval process
- No oversight into how the technology is used, its purpose, its capabilities, the scope, how it's tracked, how long data is kept, who has access to data, and under what circumstances, who the data is shared with, and under what circumstances, what privacy protections are in place, or how it interfaces with other surveillance technologies

Process Under CCOPS

- The ACLU envisions a robust public hearing process including inviting experts to weigh in, as well as provide a venue for members of the public to voice opinion
- **Written report:** Prepared and made available prior to the public hearing, detail what the proposed technology is, how it works, capabilities, purpose, scope, cost, proactive steps being taken to mitigate potential adverse effects on civil liberties
- **Public hearing:** Precedes city council meeting, to include experts and create venue for public comment.
- **City Council:** would create process for determining protocols, including records of access, criteria/limits to use/sharing, data protection, oversight, etc.
- The process and protocols created under the proposed ordinance would specify the criteria for determining outcome of proposed and current surveillance technologies

Precedence:

- 15 municipalities across country have already adopted ordinance
- Several dozen more are currently considering adopting the ordinance
- Closest is somerville. Cambridge is also considering, with outcome looking favorable
- Also being considered in Boston and New York City
- Timing: Can take anywhere between 6 months and 2 years from proposal to passing

Variations:

- Somerville's ordinance includes all of the items presented in the model, with the additional item addressing use of military surplus equipment
- ACLU has elected to present this ordinance here as opposed to one with the addition
- All municipalities who have adopted the ordinance, have either adopted the ordinance as written, or with additional items.

Motion to request a written report from the Worcester Police Department on surveillance technologies currently in use:

Commissioner Kennedy motioned to further correspondence to Worcester Police Department, requesting that the department provides a written report to the commission by the October Human Rights Commission meeting*, detailing technologies currently in use within the Worcester Police Department for the purpose of surveillance, and include within, the questions that have been raised at this meeting, including:

- List of surveillance technologies currently in use
- Purpose and scope of current surveillance technologies
- Data storage: how data is stored, what data is stored, length of storage
- Data Protection: Criteria for access, Method of access, Procedure for recording access
- Data sharing: Who is data shared with, purpose and criteria for data sharing
- Information of adverse impact, and how potentially adverse impact is mitigated

Seconded by Clerk O'Callahan. Motion passed with all in favor

*Commissioner Kennedy further specified to request that the report be provided by the Commission's October meeting to so that the Commission can further consider the request brought by the ACLU

Follow Up:

- Mr. Robage will internally share concern that the proposed ordinance does not specify that surveillance technologies should be evidence-based
 - Surveillance technologies should be evidence-based, both in terms of efficacy, and in terms of evidence showing lack of harm

- Chairperson Richman invited Mr. Robage to join the Human Rights Commission again in September for additional discussion

B. Review draft FY18 annual report

- Chairperson Richman asked commissioners to review the FY18 annual report

Motion to include Preliminary Data Analysis of Neighborhood Watch Meeting Surveys

- Clerk O'Callahan motioned to include the June 2018 Preliminary Data Analysis Powerpoint and accompanying presentation (as titled in June 2018 minutes) as a permanent product created by the Commission specified separately from survey administration under the heading for the Community Policing Initiative. Motion was seconded by Commissioner Robinson. Motion passed with all in favor.

Additional items raised by commissioners:

- Resolution to have City manager to have Affirmatively Furthering Fair Housing
- Review of glossary of terms that subcommittee for CHIP
 - Commission was initially tasked with reviewing for adoption
 - Was left unresolved because Disabilities Commission was also reviewing
 - The city did not officially adopt glossary
- Hub Core
- Immigration updates related to DACA and TPS recipients (March 2018)
- Chairperson Richman represented Commission at January Citizens Advisory Council Meeting (January 2018)

C. Discussion on FY19 goals and annual agenda setting

- Chairperson Richman advised commissioners to plan to discuss Eleanor Hawley Human Rights Award at the September Human Rights Commission Meeting
- Director Turchek addressed item regarding canopy loss
- Commissioner Robinson confirmed that ****? will speak at September meeting.
- Report will be provided by Officer Sharon McQueen, the LGBTQ Liaison Officer with the Worcester Police Department
- Jayna will request if Officer McQueen can also attend the Commission's September meeting
- Clerk O'Callahan requested, as it becomes germane to upcoming agenda items, to invite an immigration attorney to attend that future Commission meeting to provide an update on the status of immigration issues (e.g. updates to DACA & TPS)
- HRC 50th Anniversary Celebration - consider in planning in future conversations
- Commissioner Kennedy recommended that the FY 19 agenda be more objective and measurable, so that Commissioners can more adequately assess progress toward completion, as well as assess the Commission's ability to realistically address these objectives within the fiscal year
- Clerk O'Callahan offered to draft goals into measurable, operationally-defined objectives to allow the Commission to better evaluate its ability to address each of these goals within the fiscal year

D. Election of Officers

The Chairperson tabled this item until all members of the commission who may be interested in the position can be present during a future meeting.

4. Old Business:

A. Update from WPD regarding BOPS form

- Director Turchek summarized a follow up email from Captain Davenport.
- Captain Davenport responded to question from member of the public updating that members of the public may now voluntarily disclose information on race/ethnicity on online complaint forms
- Captain Davenport recommended having the Commission review the need for additional languages and have Ascentria Care Alliance language bank translate
- Commissioners requested clarification on whether the police department was requesting that the commission initiate request for translation of the Worcester Police Department's complaint forms

Rules and Regulations of Worcester Police Department are listed numerically online:

<http://www.worcesterma.gov/police/about-us/policies-procedures>

- Commissioner Kennedy expressed concern with receiving answers from the June and July meetings individually. Community Relations Specialist Michelle Santana will check off questions to police department as they're answered.
- Commissioner Kennedy further asked that include requests that come back to Human Rights Commission so that the Commission can partner with the Police Department by following up and take appropriate action on their requests

B. Reminder: HRC marching in PRIDE parade Saturday September 8th, 11am start from Humboldt St. (gather at 10:30am)

Chairperson Richman asked commissioners to review their availability and consider attending the upcoming Pride Parade on September 8th, in which the Commission marches each year

5. Location of next meeting (September 17th, 2018): City Hall, Esther Howland Chamber

6. Adjournment at 8:05pm