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# City of Medford

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Date: April 15, 2024

Submitted by: City Council Vice President Kit Collins

Subject: Community Control Over Public Surveillance Annual Public Report

## Background and Purpose

In March of 2023, the Medford City Council ordained Section 50, Article III of the City of Medford's Code of Ordinances: "An Ordinance to Promote Transparency and Protect Civil Rights and Civil Liberties with Respect to Surveillance Technology." This ordinance is also referred to as the Community Control Over Public Surveillance Ordinance, or CCOPS, for short.

Section 50–78 of the Ordinance, "Annual Public Reporting," states:

*"Not later than April 15 of each year, the City Council or its appointed designee shall release an annual public report, in print and on its public website, containing the following information for the preceding calendar year:*

- *The number of requests for approval submitted to the City Council under this Ordinance for the funding, acquisition, or new use of Surveillance Technology;*
- *The number of times the City Council approved requests submitted under this Ordinance for the funding, acquisition, or new use of Surveillance Technology;*
- *The number of times the City Council rejected requests submitted under this Ordinance for the funding, acquisition, or new use of Surveillance Technology;*
- *The number of times the City Council requested modifications be made to Surveillance Impact Reports and Surveillance Use Policies before approving the funding, acquisition, or new use of Surveillance Technology; and*
- *All Annual Surveillance Reports submitted pursuant to Section 50–77. Printed copies of the public report may contain pinpoint references to online locations where the Annual Surveillance Reports are located, in lieu of reprinting the full reports."*

## City Council Annual Public Report on Surveillance Technology

These responses are submitted pursuant to Section 50–78 of the Ordinance as cited above. Since the Ordinance became effective in March 2023, this information covers the time period of March 2023 through December 2023.

1. The number of requests for approval submitted to the City Council under this Ordinance for the funding, acquisition, or new use of Surveillance Technology:

**Response:** None. The only eligible Surveillance Technology in known use by a City agency or department in 2023 were Body Worn Cameras. Pursuant to Section 50–72 of the Ordinance, until January 1, 2028, Body Worn Cameras are exempted from mandatory City Council approval for their funding, acquisition, or use. In addition, pursuant to Section 50–74 of the Ordinance, until January 1, 2028, Body Worn Cameras are exempted from the mandatory review and approval by City Council of preexisting uses of Surveillance Technologies already in use.

2. The number of times the City Council approved requests submitted under this Ordinance for the funding, acquisition, or new use of Surveillance Technology:

**Response:** None. No approval requests were submitted.

3. The number of times the City Council rejected requests submitted under this Ordinance for the funding, acquisition, or new use of Surveillance Technology:

**Response:** None. No approval requests were submitted.

4. The number of times the City Council requested modifications be made to Surveillance Impact Reports and Surveillance Use Policies before approving the funding, acquisition, or new use of Surveillance Technology:

**Response:** None. Pursuant to Section 50–73 of the Ordinance, Surveillance Impact Reports and Surveillance Use Policies are to be submitted alongside approval requests for new Surveillance Technologies or new uses of Surveillance Technologies, and no such approval requests were submitted.

5. All Annual Surveillance Reports submitted pursuant to Section 50–77.

**Response:** One Annual Surveillance Report was submitted pursuant to Section 50–77: the Annual Surveillance Report on Body Worn Cameras, submitted by Chief Buckley of the Medford Police Department. That Report is included as an attachment to this document.



## 2023 Annual Surveillance Report

Surveillance Technology: Body-worn Cameras  
Date: April 1, 2024  
Submitted By: Chief Jack D. Buckley

In accordance with Section 50, Article III - An Ordinance To Promote Transparency and Protect Civil Rights and Civil Liberties With Respect to Surveillance Technology I am providing the Annual Surveillance Report for the previous 2023 calendar year.

The Medford Police Department did not implement its BWC program until December 4, 2023. As a result, this report covers a limited period of time.

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### **1. A description of how surveillance technology has been used, including whether it captured images, sound, or information regarding members of the public who are not suspected of engaging in unlawful conduct:**

Body-worn Camera (BWC) equipment captures audio and video footage of most civilian-officer relations. When performing any patrol function, as determined by the Chief of Police, officers must wear and activate BWCs according to Department policy. Medford Police Officers will activate the BWC only in conjunction with official law enforcement duties, where such BWC use is appropriate to the proper performance of duties, and where BWC recordings are consistent with policy and the law. Recordings shall be specific to an incident. Officers shall not indiscriminately record entire duties or patrols.

Officers may use their discretion when deciding to activate the BWC during incidental public contact during the ordinary course of the day. Officers are not required, or expected, to activate their BWC when conducting ordinary activities or other situations that do not involve the delivery of police services.

### **2. Whether the surveillance technology has been effective at achieving its identified purpose:**

There have been no issues or complaints related to the department's BWC program. I believe it has, thus far, been effective in achieving the purpose of documenting crime and accident scenes, or other events that include the confiscation and documentation of incidental evidence or contraband. BWC equipment enhances the Medford Police Department's ability to document and review statements and events during an incident, as well as preserve video footage, audio information and evidence for investigative and prosecutorial purposes. BWCs are effective law enforcement tools that reinforce the public's perception of police professionalism and preserve factual representations of officer-civilian interactions.

**3. Whether and how often collected Surveillance Data was shared with any external persons or entities, the name(s) of any recipient person or entity, the type(s) of data disclosed, under what legal standard(s) the information was disclosed, and the justification for the disclosure(s);**

In 2023 the Medford Police Department has provided to the Middlesex District Attorney's Office two (2) BWC video cases in accordance with the mandatory pre-trial discovery rules of the Massachusetts Trial Court. All discovery requests are made through the police department's court prosecutor and the department's Supervisor of the BWC Unit.

**4. The number of public records requests received by the City seeking documents concerning Surveillance Technology approved during the previous year;**

During calendar year 2023 there was a total of one (1) public records request filed in accordance with the Massachusetts Public Records Law, M.G.L. Ch. 66, sec. 10. The Medford Police Department did not provide the requested BWC footage as it would violate the provisions of M.G.L Ch. 41, sec. 97D. *All reports, including communications between police officers and victims of domestic violence/abuse perpetrated by family or household members, rape and sexual assault are confidential, and are not public records.*

**5. A summary of complaints or concerns that were received about the Surveillance Technology;**

No complaints have been filed.

**6. The results of any internal audits, any information about violations of the Surveillance Use Policy, and any actions taken in response other than to the extent that such inclusion would violate the privacy rights of an employee of the City;**

The Medford Police Department initiated the BWC trial program with a select group of approximately forty (40) officers beginning on December 4, 2023. This trial program extended through January 2, 2024. The intent of this trial period was for officers to use the BWC in actual, live incidents and for the Body Worn Camera Unit to monitor the implementation and to meet with the officers participating in the trial program to receive feedback and suggestions.

As of January 3, 2024, all officers are required to wear and use BWCs in accordance with policy. As this is new technology, the department has initiated a BWC Pilot Program where minor violations of the BWC policy and/or department rules and regulations related to the use of a BWC will be managed with additional training and counseling as opposed to formal discipline. The BWC Pilot Program will be supervised by the Body Worn Camera Unit Lieutenant. Minor violations, not criminal in nature, discovered during the compliance and review of recorded material will be viewed as training opportunities and not disciplinary actions. Said infractions may be reduced to writing in order to document corrective action.

During the BWC Pilot Program the Body Worn Camera Unit and their designees are responsible for reviewing BWC activity logs and reports to ensure officers remain in compliance with the policy and procedural metrics established by the policy for the Medford Police Department. The Body Worn Camera Unit personnel are specifically charged with conducting periodic checks of recordings. The Body Worn Camera Unit shall

provide feedback to officers on BWC use and performance and recommend training as needed to correct any deficiencies.

**7. Whether the civil rights and liberties of any communities or groups, including communities of color or other marginalized communities in the City are disproportionately impacted by the deployment of the Surveillance Technology;**

We do not believe the BWC program will disproportionately impact any community or group.

**8. An estimate of the total annual costs for the Surveillance Technology, including personnel and other ongoing costs, and what source(s) of funding will fund the technology in the coming year, if known; and**

The BWC Unit is staffed with one (1) full-time Lieutenant and one (1) full-time Patrol Officer. The base salary pay for the Lieutenant is \$107,701.77. The base salary for the Patrol Officer is \$76,721.94.

Prior to being issued a BWC, Medford Police Officers successfully completed department approved training related to the use of BWCs and the department's policy related to the activation, categorization, and uploading of data. All Medford Police Department personnel who may supervise officers wearing BWCs, or personnel requiring access to review videos were also required to attend department approved training. The department spent a total of \$28,246.01 to train all officers and supervisors in 2023.

**9. A disclosure of any new agreements made in the past 12 months with non-City entities that may include acquiring, sharing, or otherwise using Surveillance Technology or the Surveillance Data it provides.**

None to report.