



Medford City Council  
Medford, Massachusetts

**MEETING DATE**

February 13, 2024

**SPONSORED BY**

**AGENDA ITEM**

**20-289** - Face Surveillance Ban Ordinance

**FULL TEXT AND DESCRIPTION**

**20-289 - Offered by Councilor Bears and Councilor Morell**

Be it Ordained that the Medford City Council prohibit the use of face surveillance systems by the City of Medford or individuals in the employ of the School District and City of Medford.

By adopting the following ordinance:

Article III - Ban on City Use of Face Surveillance

Sec. 54-50. - Short title.

This article may be cited as the "Face Surveillance Ban."

Sec. 54-51. - Purposes and intent.

The potential use of face surveillance systems by law enforcement and government entities in Medford would endanger the privacy rights and protections of Medford residents.

The purposes of this article are to regulate the use of face surveillance systems by the City.

Sec. 54-52. - Definitions

*Face surveillance* shall mean an automated or semi-automated process that assists in identifying an individual, or in capturing information about an individual, based on the physical characteristics of an individual's face.

*Face surveillance system* shall mean any computer software or application that performs face surveillance.

*Medford official* shall mean any person or entity acting on behalf of Medford, including any officer, employee, agent, contractor, subcontractor, or vendor.

**Sec. 54-53. - Ban on City Use of Face Surveillance**

a. It shall be unlawful for the City or any Medford official to:

1. obtain, possess, access, or use any face surveillance system;
2. enter into a contract or other agreement with any third party for the purpose of obtaining, possessing, accessing, or using, by or on behalf of Medford or any Medford official any face surveillance system; or
3. issue any permit or enter into a contract or other agreement that authorizes any third party to obtain, possess, access, or use (i) any face surveillance system, or (ii) information derived from a face surveillance system based on photographic, video or other images originally captured within the City.

b. Nothing in Section 54-53 shall prohibit the City or any Medford official from:

1. using evidence relating to the investigation of a specific crime that may have been generated from a face surveillance system; or
2. obtaining or possessing (i) an electronic device, such as a cell phone or computer, for evidentiary purposes, or (ii) an electronic device, such as a cell phone or tablet, that performs face surveillance for the sole purpose of user authentication;
3. using face recognition on an electronic device, such as a cell phone or tablet, owned by Medford or by such official, for the sole purpose of user authentication;
4. using social media or communications software or application for communicating with the public, provided such use does not include the affirmative use of any face surveillance;
5. using automated redaction software, provided such software does not have the capability of performing face surveillance; or
6. complying with the National Child Search Assistance Act.

**Sec. 54-54. - Enforcement**

- a. Face surveillance data collected or derived in violation of this ordinance shall be considered unlawfully obtained and shall be deleted upon discovery, subject to applicable law.
- b. No data collected or derived from any use of face surveillance in violation of this ordinance and no evidence derived therefrom may be received in evidence in any City proceeding.
- c. Any violation of this ordinance constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent jurisdiction to enforce this ordinance. An action instituted under this paragraph shall be brought against the respective City department, and the City and, if necessary to effectuate compliance with this ordinance, any other governmental agency with possession, custody, or control of data subject to this ordinance.
- d. Violations of this ordinance by a City employee shall result in consequences that may include retraining, suspension, or termination, subject to due process requirements and provisions of collective bargaining agreements.
- e. Nothing in this Article shall be construed to limit any individual's rights under state or federal law.

**Sec. 54-55. - Severability**

Each separate provision of this article shall be deemed independent of all other provisions herein. If a court of competent jurisdiction declares that any provision of this article is invalid, then the remaining provisions of this article shall remain valid and enforceable.

Councillor Bears moved to waive reading of the ordinance in lieu of a synopsis from one of the sponsors (Councillor Morell second)—passed on a roll call vote of seven in favor and zero opposed.

**a) Councillor Knight offered an amendment requesting that a representative of the Middlesex District Attorney’s Office be invited to any future meeting held on this topic.**

**Councillor Bears moved to refer the paper to the Subcommittee on Public Safety, for a meeting with the Police Chief or an appropriate representative from the Police Department, after the COVID-19 Emergency Declaration has been lifted (Councillor Morell second)—passed on a roll call vote of seven in favor and zero opposed.**

## RECOMMENDATION

## FISCAL IMPACT

## ATTACHMENTS

None