

OFFERED BY COUNCILORS BENJAMIN J. WEBER, GABRIELA COLETTA ZAPATA, HENRY SANTANA, BREADON, CULPEPPER, DURKAN, FITZGERALD, FLYNN, LOUIJEUNE, MURPHY, PEPÉN, AND WORRELL



CITY OF BOSTON

IN THE YEAR TWO THOUSAND TWENTY SIX

ORDINANCE AMENDING CITY OF BOSTON CODE, ORDINANCES, CHAPTER XVI, SECTION 63, ORDINANCE ON SURVEILLANCE OVERSIGHT AND INFORMATION SHARING

WHEREAS, In 2022, The Boston City Council passed *An Ordinance on Surveillance Oversight and Information Sharing* for the purpose of providing accountability, transparency and oversight regarding the acquisition and use of surveillance technology and surveillance data by the city and its Agencies and Officers; *and*

WHEREAS, The Ordinance was intended to require the Boston Police Department to seek approval from the City Council prior to acquiring and deploying new surveillance technologies; *and*

WHEREAS, In 2025, Boston Police Commissioner Michael Cox informed the Council of social media analysis tools that were used without the Council’s permission due to “exigent circumstances” surrounding the 2024 Presidential Election; *and*

WHEREAS, Although the Council did not approve the use of social media analysis tools, the Department continued using these tools as the Surveillance Oversight Advisory Board discussed recommendations to the policy; *and*

WHEREAS, Last month, *The Boston Globe* reported that the City started pilot programs for automated-license-plate reading cameras. Documents obtained by *The Globe* confirm agreements between the City to pilot these cameras with Axon Enterprise and Motorola Solutions. The Council has not been formally notified about these agreements; *and*

WHEREAS, The Surveillance Oversight and Information Sharing Ordinance requires review and approval of the City Council for new technologies but leaves open to interpretation whether further review is needed when vendors change and when new agreements for already approved technologies are entered. This creates a loophole and goes against the original intention of this Ordinance; *and*

WHEREAS, Since data-sharing agreements and capabilities of surveillance technologies vary depending on the vendor, it is critical that the Boston City Council be notified when any agreements are made between the Boston Police and companies that provide surveillance technology capabilities; **NOW, THEREFORE**

Be it ordained by the City Council of Boston as follows:

Section 1.

The City of Boston Code, Ordinances, Chapter XVI, Section 63.2 is hereby amended to revise the definition of “Exigent Circumstances” by inserting after the words “data it provides” the words “prior to seeking approval of the City Council.”

Section 2.

The City of Boston Code, Ordinances, Chapter XVI, Subsection 63.3(B)(3)(a) is hereby amended by striking the word “end” and inserting in place therefore the words “start date” and striking the word “those” and inserting in place therefore the words “the use of the surveillance technology due to.”

Section 3.

The City of Boston Code, Ordinances, Chapter XVI, Subsection 63.3(B)(3)(b) is hereby amended by striking the word “end” and inserting in place therefore the words “start date” and the word “those” and inserting in place therefore the words “the use of the surveillance technology due to.”

Section 4.

The City of Boston Code, Ordinances, Chapter XVI, Subsection 63.3(B)(3)(c) is hereby amended by striking the words “following the end of those exigent circumstances.”

Section 5.

The City of Boston Code, Ordinances, Chapter XVI, Subsection 63.3(B)(3)(d) is hereby amended by striking the words “requesting to extend this period. The Boston City Council may grant extensions beyond the original 30-day timeline to submit a surveillance technology impact report, and, if necessary, a technology-specific Surveillance Use Policy.”

Section 6.

The City of Boston Code, Ordinances, Chapter XVI, Subsection 63.3(B)(4) is hereby amended by inserting after the final sentence the following sentences “If approval by the Boston City Council is denied, the new surveillance capabilities shall not be utilized. If a new surveillance capability of the technology is already in use pursuant to the exigent circumstances exemption, such use shall be discontinued until City Council approval is obtained unless the Boston Police Department determines that the technology must be used prior to Council approval due to emergent threats that may impact public safety.”

Section 7.

The City of Boston Code, Ordinances, Chapter XVI, Subsection 63.3(C)(4) is hereby amended by inserting after the final sentence the following sentences “If approval by the Boston City Council is denied for a specific technology, that technology shall not be utilized. If a technology is already in use pursuant to the exigent circumstances exemption, such use shall be discontinued until City Council approval is obtained unless the Boston Police Department determines that the technology must be used prior to Council approval due to emergent threats that may impact public safety.”

Section 8.

The City of Boston Code, Ordinances, Chapter XVI, Subsection 63.3(C) is hereby amended by inserting after subsection (4), the following subsection:

- (5) If at any time the City should enter into a new agreement with a vendor for a Surveillance Technology with an already approved Surveillance Use Policy, the City must inform the Council of this agreement via communication to the Clerk's Office no later than 30 days after entering into a contract or a Memorandum of Understanding with said vendor.

Section 9.

The City of Boston Code, Ordinances, Chapter XVI, Subsection 63.3(D)(2)(c) is hereby amended by inserting after the final sentence the following sentences "If approval by the Boston City Council is denied, the technology shall not be utilized. If a technology is already in use pursuant to the exigent circumstances exemption, such use shall be discontinued until City Council approval is obtained unless the Boston Police Department determines that the technology must be used prior to Council approval due to emergent threats that may impact public safety."

Section 10.

The City of Boston Code, Ordinances, Chapter XVI, Subsection 63.5(D) is hereby amended by inserting after the final sentence the following sentences "If approval by the Boston City Council is denied, the technology shall not be utilized. If a technology is already in use pursuant to the exigent circumstances exemption, such use shall be discontinued until City Council approval is obtained unless the Boston Police Department determines that the technology must be used prior to Council approval due to emergent threats that may impact public safety."

Section 11.

The City of Boston Code, Ordinances, Chapter XVI, Subsection 63.5 is hereby further amended by inserting after subsection (F) , the following subsection:

(G) In the event the City utilizes Automated License Plate Readers (ALPR) during the prior year, the report shall include:

- (1) A list of vendors used by the City with dates each vendor has an active contract with the City;
- (2) Total number and locations of ALPRs which feed into (or populate) the ALPR System or Database;
- (3) Total number of ALPR reads and total number of hotlist hits per camera which feeds into (or populates) the ALPR System or Database;
- (4) A description of any alleged or confirmed misuse or abuse of ALPR data; and
- (5) A description of policies in place to prevent misuse or abuse of ALPR data.

Section 12.

The provisions of this ordinance are severable and if any provision, or portion thereof, should be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining provisions, which remain in full force and effect.

Section 13.

The provisions of this ordinance shall be effective immediately upon passage.

Filed on: September 23, 2026