



Maryland Chiefs of Police Association Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William C. Smith, Jr., Chairman and
Members of the Senate Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 8, 2023

RE: **SB 583 Public Safety – Law Enforcement Agencies – Acquisition and Use
of Surveillance Technology**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 583**. This bill would create a Privacy Technology Board that would authorize the purchase, use, or continued use of surveillance technology by law enforcement agencies.

The MCPA and MSA fully support strict guardrails and audit protocols to mitigate the risk of impartial and biased law enforcement and misuse of the technology. However, SB 583 would severely and unacceptably impact public safety in Maryland as well as hamper the timely and effective use of surveillance technology.

The definition of surveillance technology in the bill is very broad and can be interpreted in many ways. For instance, as defined surveillance technology can include everything from aerial surveillance, license plate readers, security cameras, and shot detection equipment, to the recording of an interview with a witness, wiretap investigations, or other types of investigations that use electronic means. The bill also imposes additional administrative requirements on law enforcement that will require officers to spend countless hours in the office writing a request to use surveillance technology or a report on the use of the approved technology instead of being out on the street enforcing the law.

Adding unnecessary and overly bureaucratic restrictions on the use of would make it difficult, if not impossible, to respond to local crime and public safety surveillance needs in real-time. In addition to all the local operation and budget approvals that an agency goes through in procuring technology, the agency will also face approvals by a statewide entity that may not understand the local nuisances and need. The lag between getting approval to use new technology or adjusting existing technology could be harmful when seconds count. The bill does allow an agency for the

temporary acquisition or use of surveillance technology for an exigent circumstance or large-scale event but the potential for injunctive relief, declaratory relief, fines, or attorney's fees for violation of vague exception or standard bill terms would cause some agencies to hesitate or fail to deploy the technology to the determinant of the immediate public safety need.

The request and reporting requirements could also negatively affect ongoing investigations. Most investigations take a considerable amount of time and some may occur over several years. This bill would require the disclosure of sensitive information relating to the use of electronic surveillance during an ongoing investigation and subject the required report to a Public Information Act request. Making this information public could jeopardize an investigation and place suspects in danger.

Under SB 583 law enforcement agencies would have no local autonomy over the use of a very broad range of surveillance technology. They would even lose the ability to manage their existing surveillance technology. The precious time lost to an overly bureaucratic approval process, the burdensome request and reporting requirements, and concerns that sensitive information would be made public to the detriment of investigations and safety make the bill untenable. For these reasons, MCPA and MSA **OPPOSE SB 583** and urge an **UNFAVORABLE** report.