

**MOPD favorable SB583.pdf**

Uploaded by: Andrew Northrup

Position: FAV



**NATASHA DARTIGUE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**MELISSA ROTHSTEIN**  
CHIEF OF EXTERNAL AFFAIRS

**ELIZABETH HILLIARD**  
ACTING DIRECTOR OF GOVERNMENT RELATIONS

## **POSITION ON PROPOSED LEGISLATION**

**BILL: SB 583 Public Safety - Law Enforcement Agencies - Acquisition and Use of Surveillance Technology**

**FROM: Maryland Office of the Public Defender**

**POSITION: Favorable**

**DATE: 3/7/23**

The Maryland Office of the Public Defender respectfully requests that this committee issue a favorable ruling on Senate Bill 583.

I have been a Public Defender in Maryland since 2010, and most of that time has been in the Forensics Division. Since, I have been here, the number of cases where surveillance technology has been used has risen exponentially. However, the increase is immeasurable, because often, the use is not disclosed or is couched in oblique language. In the case of cell site simulators, more commonly known as Stingray, officers and prosecutors were explicitly told not to disclose the use of this technology, pursuant to an NDA signed by their respective bosses and the company that manufactured Stingray devices.

The use of surveillance technology by law enforcement shows no sign of waning. A recent MPIA request of the Baltimore Police Department showed that there approximately 811 facial recognition match reports generated in the last year. Our office had only been made aware of a small fraction of these.

The fundamental problem is that these technologies which may be highly invasive, of limited efficacy, or some combination of both, being used before they have been fully vetted and their limitations and shortcomings are understood.

Rather than ineffectively and reactively legislating these technologies on a piecemeal basis, this bill seeks to establish a framework through which to handle the issues surrounding the use of these technologies. Not only will it streamline the process of regulating these technologies, but it also adds trust and transparency to the use of these types of technologies, which will allay suspicions of their misuse. It is modeled on a similar ordinance out of Oakland, which appears to have been effective in curtailing technology abuses in this area.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on Senate Bill 583.

**Submitted By: Maryland Office of the Public Defender, Government Relations Division.**  
**Authored By: Andrew Northrup, Forensics Division, (312) 804-9343,**  
**[andrew.northrup@maryland.gov](mailto:andrew.northrup@maryland.gov).**

**Sydnor\_SB 583 Testimony Fav-JPR.pdf**

Uploaded by: Charles E. Sydnor III

Position: FAV

CHARLES E. SYDNOR III, ESQ.  
*Legislative District 44*  
Baltimore County



James Senate Office Building  
11 Bladen Street, Room 216  
Annapolis, Maryland 21401  
410-841-3612 · 301-858-3612  
800-492-7122 Ext. 3612  
Charles.Sydnor@senate.state.md.us

Judicial Proceedings Committee  
Executive Nominations Committee

*Joint Committees*

Administrative, Executive, and  
Legislative Review

Children, Youth, and Families

*Senate Chair*  
Legislative Ethics

*Chair*  
Baltimore County Senate Delegation

THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony for SB 583**  
**Public Safety – Law Enforcement Agencies**  
**Acquisition and Use of Surveillance Technology**  
**Before the Judicial Proceedings Committee**  
**On March 8, 2023**

Good afternoon Chair Smith, members of the Judicial Proceedings Committee,

In our ever-moving technology laden world, the evolution and availability of certain software or mechanisms travels faster than the reveal of the dangers or consequences that may occur because of it. Technology with limitations, is technology that can have a positive impact on society. Senate Bill 583 provides the basis for limiting police use of surveillance technology.

Senate Bill 583 establishes a board that will have the authority to authorize the purchase, use, or continued use of surveillance technology by law enforcement agencies. The board would also hold quarterly meetings with the head of each law enforcement agency within the State to review proposed surveillance impact reports, receive public input about proposed surveillance technologies, review law enforcement annual reports, and make required reports.

Senate Bill 583 includes the right of any person who has been harmed by surveillance technology to institute proceeding for injunctive relief and that they will be entitled to damages of \$100 per day for each day of the violation.

I ask for a favorable report on Senate Bill 583.

# **SB0583 Surveillance Technology FWA.pdf**

Uploaded by: Cecilia Plante

Position: FWA



## TESTIMONY FOR SB0583

### Public Safety - Law Enforcement Agencies - Acquisition and Use of Surveillance Technology

**Bill Sponsor:** Senator Sydnor

**Committee:** Judicial Proceedings

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Cecilia Plante, co-chair

**Position:** FAVORABLE WITH AMENDMENTS

I am submitting this testimony in favor of SB0843 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of individuals and grassroots groups with members in every district in the state with well over 30,000 members.

Our members appreciate Senator Sydnor's efforts to solve a very concerning problem with the intrusion of surveillance equipment in the lives of Marylanders. We are probably not even aware of the number of times that our images and our personal information have been obtained and provided to groups, agencies, or individuals that we were in no way aware of or informed about. We are very much supportive of having a Privacy Technology Board established and we approve of the Board's responsibilities to monitor the amount of surveillance equipment that is purchased by various agencies and how and to whom the information gathered is disseminated.

Our only concern is the makeup of the Board. We believe that any privacy advocacy members and other members appointed by the Governor will be completely outvoted by the members of the police establishment. There should be more civilians on the Board who do not have a relationship to the police establishment, so that their voting will be equal to that of the members of the police establishment.

We strongly support this bill and recommend a **FAVORABLE WITH AMENDMENTS** report in committee.

# **SB 583 MSP Opposition paper.pdf**

Uploaded by: Kathy Anderson

Position: UNF



**State of Maryland**  
**Department of State Police**  
Government Affairs Section  
Annapolis Office (410) 260-6100

**POSITION ON PROPOSED LEGISLATION**

**DATE:** March 8, 2023

**BILL NUMBER:** Senate Bill 583      **POSITION:** Oppose

**BILL TITLE:** Public Safety – Law Enforcement Agencies – Acquisition and Use of Surveillance Technology

**REVIEW AND ANALYSIS**

This legislation seeks to prohibit the acquisition and use of surveillance technology by a law enforcement agency unless the acquisition and use is approved by the Privacy Technology Board. The law enforcement agency may not use existing or new surveillance technology unless authorized by the Board.

The Board has a great deal of control over law enforcement agency budgets and grant funding used by law enforcement agencies. The Board's decisions directly impact standard police operations and criminal investigations. The bill may delay or stop an investigation if any technology has not received approval by the Board. The approval process requires the law enforcement agency to submit a comprehensive Surveillance Impact Report on the specific technology and why it is to be used. The Board's evaluation process requires public hearings on the use of the technology. This could stop ongoing criminal investigations for months because the Board is only required to meet quarterly.

Under current law, surveillance technology is used for a number of lawful purposes. Depending on the technology and its intended use, court oversight is required. Operating budgets and grants help law enforcement agencies to keep up with the latest technologies to create efficiencies and help advance 20<sup>th</sup> century policing.

Today, security cameras, software, and other technologies are used to protect persons and property. Recently, the General Assembly passed legislation mandating body-worn camera purchases by all law enforcement agencies in the state. The intelligence community uses software to analyze crime trends and provide information to law enforcement so they can be aware of recent activity in their communities. Cameras are used for protection of persons and property, on the streets of Baltimore City, and in police cars to record the actions of everyone in view of the system. All of these existing technologies and their budgets are now under the authority of the Board.

Senate Bill 583 defines surveillance technology so broadly that any software or electronic device primarily intended to collect, retain, analyze, process, or share information is required to be approved by the Privacy Technology Board. Until the Board is appointed and meets in accordance with the bill, no technology may be used. Any ongoing investigation using wiretaps or other types of surveillance technology as defined in the bill, even if approved by the court, will have to cease.



**State of Maryland**  
**Department of State Police**  
Government Affairs Section  
Annapolis Office (410) 260-6100

**POSITION ON PROPOSED LEGISLATION**

As an example of what the bill does, recently mandated body-worn cameras purchased by law enforcement would have to be turned off until approved and the bill further prohibits the use of budget funds for continuing agreements with nongovernmental entities. All body-worn companies have multi-year contracts for storage of data as well as camera replacement and repair.

Senate Bill 583 requires an annual report on the operation of each surveillance technology used by the law enforcement agency. The report requires revealing investigation sources and methods to the public.

For these reasons, the Maryland Department of State Police urges the Committee to give Senate Bill 583 an unfavorable report.

# **MCPA-MSA\_SB 583 Acquisition and Use Surveillance T**

Uploaded by: Natasha Mehu

Position: UNF



# 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.

# **SB 583 Public Safety - Law Enforcement Agencies -**

Uploaded by: Scott Shellenberger

Position: UNF

**Bill Number: SB 583**

**Scott D. Shellenberger, State's Attorney for Baltimore County**

**Opposed**

**WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,**  
**STATE'S ATTORNEY FOR BALTIMORE COUNTY,**  
**IN OPPOSITION OF SENATE BILL 583**  
**PUBLIC SAFETY – LAW ENFORCEMENT AGENCIES – ACQUISITION AND USE OF**  
**SURVEILLANCE TECHNOLOGY**

I write in opposition to Senate Bill 583 that would greatly hamper Law Enforcement efforts to fight crime and arrest criminals.

SB 583 creates a Privacy Technology Board that must approve all existing and future forms of surveillance technology. Most of the forms of technology currently in place require a court order. This Board will have to review wire taps, which already require a court order; GPS tracking, which already requires a court order; cell phone PING orders, which already require a court order; and Cell Site simulators are already regulated.

Why is the 4<sup>th</sup> Amendment and the courts not good enough to be making these decisions? Why does another bureaucracy need to be created for rights that are regulated by the courts?

I request an unfavorable report.

# **SB583 - Surveillance Technology (2).pdf**

Uploaded by: Jennifer Beskid

Position: INFO



## Department of Public Safety and Correctional Services

### Office of Government & Legislative Affairs

45 Calvert Street, Suite 7A, Annapolis, MD 21401  
(443) 240-8696 • [www.dpscs.maryland.gov](http://www.dpscs.maryland.gov)

STATE OF MARYLAND

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SECRETARY

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OPERATIONS

VACANT  
ASSISTANT SECRETARY

JENNIFER A. BESKID  
DIRECTOR

**BILL: SENATE BILL 583**

**POSITION: LETTER OF INFORMATION**

**EXPLANATION:** This bill prohibits the use of surveillance technology by a law enforcement agency, establishes the Privacy Technology Board (Board) within the Department of Public Safety and Correctional Services, requires authorization from the Board before accepting or acquiring funds or donations pertaining to surveillance technology, and requires reports pertaining to the use of surveillance technology.

**COMMENTS:**

- The Department of Public Safety and Correctional Services (Department) operates the Division of Correction (DOC), the Division of Pretrial Detention and Services (DPDS), and the Division of Parole and Probation (DPP).
  - DOC operates 13 State correctional facilities housing offenders sentenced to periods of incarceration for 18 months and longer.
  - DPDS operates the Baltimore City Pretrial Complex which houses pretrial detainees and incarcerated individuals sentenced to incarceration for periods of 18 months and less.
  - DPP supervises parolees, probationers and those on mandatory release from correctional facilities.
- SB 583 provides, under Public Safety Article § 3-802, a law enforcement agency may not use surveillance technology.
- The bill establishes a Privacy and Technology Board within the Department and establishes the membership, terms and duties of the Board. The Board shall:
  - authorize the purchase, use, or continued use of surveillance technology by law enforcement agencies;
  - authorize the use of existing surveillance technology or the information that the surveillance technology provides for a purpose, in a manner, or in a location not previously authorized by the board;



- review required proposed surveillance impact reports submitted by the law enforcement agency;
  - review required annual reports by law enforcement agencies on the operation of surveillance technology used for the previous calendar year
- A surveillance technology board is beyond the scope of the Department whose primary objective is to ensure public safety by increasing institutional security and providing the incarcerated population with the tools necessary to be successful in the community and to stay out of the criminal justice system.
- The Department is not a “law enforcement agency” as defined in Public Safety Article § 2-101 and is not a subject matter expert on the types of surveillance technology used by law enforcement agencies, nor is the Department an end user of surveillance technology.
- The Department also houses the Police Training and Standards Commission, an independent commission that functions in the Department.
- The Police Training and Standards Commission is tasked with establishing standards for law enforcement agencies and as such the Commission could consider standards for surveillance technology without the establishment of a board.

**CONCLUSION:** For these reasons, the Department of Public Safety and Correctional Services respectfully requests the Committee consider this information as it deliberates Senate Bill 583.