



## Department of Public Safety and Correctional Services

### Office of Government & Legislative Affairs

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**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.